20-92 Judge Davis

Jan. 8/1874

Affirmed

Judge Henry Dissents

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 532.

EDWARD HEATH, PLAINTIFF IN ERROR,

vs.

ALFRED SLIDELL ET AL., HEIRS OF JOHN SLIDELL, DECEASED.

IN ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

FILED OCTOBER 13, 1873.

SUPREME COURT OF THE UNITED STATES.

No. 532.

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IN ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

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2 STATE OF LOUISIANA:

Fourth district court for the parish of Orleans.

HEIRS OF JOHN SLIDELL
versus
EDWARD HEATH. } No. 30247.

Petition.—Filed January 22nd, 1872.

To the honorable the judge of the fourth district court for the parish of Orleans:

The petition of Alfred Slidell, who resides in New York; of Marie Rosine Slidell, Marie Marguerite Caroline Slidell, and Mrs. Marguerite Mathilde Slidell, wife of Baron Emile d'Erlanger, by her said husband, duly authorized and empowered, and herein assisted, who reside in London, England, respectfully shows—

That they are the heirs of John Slidell, their father, who died
3 at Cowes, England, on the 30th of July, 1871; that they have been duly recognized and ordered to be put in possession of his succession; that as such they are owners of the following-described property, viz:

A certain square or parcel of ground designated by the number "seventy-nine," (79,) bounded by Broad, Venus, and Sixth streets, and Turnpike (or Shell) road; which square is divided into thirty-four lots, numbered from one to thirty-four; together with all the rights, ways, and privileges on the above-described property, and all the appurtenances thereunto belonging or in any wise appertaining, without exception or reservation, as per plan drawn by Joseph Pilié, surveyor of the second municipality, on the 20th of July, 1840, and deposited in the office of Adolphe Mazureau, notary public, at New Orleans.

That said property is worth more than twenty-five hundred dollars, and was acquired by said late John Slidell by purchase from Samuel Wright Oakey, assignee in bankruptcy of John Morgan Hall, as
4 per act before Adolphe Mazureau, notary public, at New Orleans, dated the 28th August, 1843, and duly recorded, all of which will more fully appear by reference to the authentic copy of said account, and to the certificate of registry, which are hereunto annexed and made part hereof.

That said property was the separate property of the late John Slidell, no community having existed between said Slidell and wife, the late Marguerite Mathilde Deslonde.

Petitioners allege that notwithstanding they, as stated, are the owners and proprietors of said property and its appurtenances, Edward Heath, who resides in New Orleans, is wrongfully and unlawfully in possession of said property.

Petitioners further represent that the hereinbefore-described property and premises yield large rents and revenues, amounting annually to six hundred dollars, and that said rents and revenues belong to petitioners and are their property.

Petitioners represent that their father, John Slidell, died on
5 July 30th, 1871, and that their mother, Marguerite Mathilde Deslonde, died prior to their father; and that your petitioners are entitled to the hereinbefore-described property, and its rents, revenues, and profits, from July 30th, 1871.

Petitioners aver unsuccessful amicable demand.

Wherefore the premises considered, petitioners pray that said Edward Heath be duly cited to answer this petition, and that after due proceedings there be judgment in favor of petitioners and against said Edward Heath, recognizing your petitioners as the owners and proprietors of said property and all improvements thereon and appurtenances thereof; that petitioners have recovery of the same; that there also be judgment in favor of petitioners and against said Edward Heath, for the rents, revenues, and profits of said property from July 30th, 1871, with interest, said rents, revenues, and profits being fifty dollars per month, reserving to petitioners their right to claim any rents, revenues, and profits accrued prior and up to July 30th, 1871.

Petitioners prays further for costs and for all equitable and general relief.

CLARKE, BAYNE & RENSHAW,
Attorneys for Petitioners.

6 *Act of sale.—(Annexed to petition.)*

STATE OF LOUISIANA,
City of New Orleans:

Before me, Adolphe Mazureau, a notary public in and for the parish and city of New Orleans, duly commissioned and sworn, and in the presence of the subscribing witnesses, personally appeared Samuel Wright Oakey, esquire, of this city, herein acting as the assignee of John Morgan Hall, a bankrupt, having been appointed such by a decree of the United States district court for the eastern district of Louisiana, of which the following is a copy:

United States district court, eastern district of Louisiana, sitting in bankruptcy, April 20th, 1842.

Present, the honorable T. H. McCaleb, judge.

IN THE MATTER OF THE PETITION OF JOHN Morgan Hall, to be declared bankrupt. } No. 116.

The petition and proofs having been inspected and considered by the court, and being found in conformity with the requirements of
7 the act of Congress, it is therefore ordered that John Morgan Hall be, and he is hereby, declared and decreed bankrupt, pursuant to the act of Congress entitled "An act to establish a uniform system of bankruptcy throughout the United States," passed August 19th, 1841.

It is further ordered that S. W. Oakey be, and he accordingly is, hereby appointed assignee of the estate of the said bankrupt, and that the said S. W. Oakey give security in a bond to the United States, with two sufficient sureties, to be approved by the court, in the sum of twenty-five thousand dollars, conditioned for the true and faithful discharge of all his duties as such assignee, and his compliance with the orders and directions of the court. And it is furthermore ordered that the clerk do certify and cause to be delivered this order to the said assignee:

CLERK'S OFFICE,
December 10th, 1842.

I, N. R. Jennings, clerk of the United States district court for
8 the eastern district of Louisiana, do certify that the above orders and decrees were, on 20th day of April, made by the court, and duly entered on the docket of bankrupt proceedings.

N. R. JENNINGS, *Clerk*,
P. ED. LAWOE, *D. Clerk*,
Clerk of the United States District Court,
Eastern District of Louisiana.

The said assignee declared that, by virtue of an order from the said United States district court for the eastern district of Louisiana, and after the publications required by law, A. Sidney Robertson, United States marshal, did expose at public sale on Monday and Tuesday, the seventeenth and eighteenth days of July last past, at twelve o'clock m., at the city exchange, in St. Louis street, between Chartres and Royal streets, the following-described property, surrendered by the said John M. Hall for the benefit of his creditors, which property is portrayed on a plan drawn by Joseph Pilié, surveyor of the second municipality,
9 on the twentieth day of July, one thousand eight hundred and forty, and deposited in this office—

Thus: 1°. A certain portion of ground, designated by the number sixty-nine, forming part of the square which is bounded by Rocheblave, Venus, and Dorgenois streets and the Turnpike road; which parcel of ground is divided into ten lots, numbered 1 to ten.

2°. A certain partion of ground, designated by the number seventy, forming part of the square which is bounded by Rocheblave, Venus, and Dorgenois, and Euphrosine streets; which parcel of ground is divided into twelve lots, numbered from one to twelve.

3°. A certain portion of ground, having the form of a triangle, designated by the number seventy-one, forming a part of the square which is bounded by Rocheblave, Calliope, Dorgenois, and Euphrosine streets; which parcel of ground measures ninety-three feet nine inches and
10 five lines in front on Euphrosine street; two hundred and two feet eleven inches and two lines in front on Dorgenois street, and two hundred twenty-three feet six inches and six lines in the rear.

4°. A certain portion, of ground, composed of lot number six and part of lot number five, in that parcel of land designated by the number seventy-four on the above-mentioned plan, the said lot number six being of a triangular form and having two hundred and twenty-three feet and seven inches on Clio street; two hundred thirty-four feet four inches and six lines on the line of the fauburg Lafayette, and seventy-one feet two inches and seven lines on the third line or side, and that part of said lot number five which adjoins the lot No. 6 and is included in this sale; and measures about thirty-two feet front on Clio street, and seventy-one feet two inches and seven lines deep, the lines closing
11 in the rear; the said parcel of ground being likewise of a triangular form.

5°. The entire lots number eleven to thirty-three, inclusive, and the rear part of the lots numbered from three to ten, inclusive, and the number thirty-four of the square number seventy-five, which is bounded by Dorgenois, Broad, Clio, and Calliope streets; this portion of the square purchased by John Slidell being divided by a line which separates the same from the front part of the other lots of ground in the same square purchased by Emile Lasere.

6°. A certain square of ground designated by the number seventy-six, and bounded by Dorgenois, Calliope, Broad, and Euphrosine streets, which square is divided into thirty-four lots, numbered from one to thirty-four.

7°. A certain square of ground designated by the No. seventy-seven, and bounded by Dorgenois, Euphrosine, Broad, and Venus streets;
12 which square is divided into thirty-four lots, numbered from one to thirty-four.

8°. A certain square or parcel of ground, designated by the number seventy-nine, bounded by Broad, Venus, and Sixth streets and the Turnpike road; which square is divided into thirty-four lots, numbered from one to thirty-four.

9°. A certain square of ground designated by the number eighty, and bounded by Broad, Euphrosine, Sixth, and Venus streets; which square contains thirty-eight lots, numbered from one to thirty-eight.

10°. A certain square of ground designated by the number eighty-one and bounded by Broad, Calliope, Sixth, and Euphrosine streets; which square contains thirty-eight lots, numbered from one to thirty-eight.

11°. A certain portion of ground, designated by the number eighty-two, bounded by Broad, Calliope, and Sixth streets and the line
13 of the suburb Lafayette; which portion of ground contains twenty-three lots, numbered from one to twenty-three.

12°. A certain portion of ground, designated by the number eighty-three, bounded by Sixth, Calliope, and Fifth streets and the line of the faubourg Lafayette; which portion of ground contains five lots, numbered from one to five.

13°. A certain square of ground, designated by the number eighty-four, bounded by Sixth, Calliope, Fifth, and Euphrosine streets; which square contains twenty-two lots, numbered from one to twenty-two.

14°. A certain square of ground, designated by the number eighty-five, bounded by Sixth, Euphrosine, Fifth, and Venus streets; which square contains twenty-two lots, numbered from one to twenty-two.

14 15°. A certain square of ground, designated by the number eighty-sixth, bounded by Sixth, Venus, Fifth streets, and the Turnpike road; which square contains twenty-two lots, numbered from one to twenty-two.

16°. A certain square of ground, designated by the number eighty-seven, bounded by Fifth, Venus, Fourth streets, and the Turnpike road, which contains twenty-two lots, numbered from one to twenty-two.

17°. A certain square of ground, designated by the number eighty-eight, bounded by Fifth, Euphrosine, Fourth, and Venus streets, which square contains twenty-two lots, numbered from one to twenty-two.

18°. A certain square or parcel of ground, designated by the number eighty-nine, bounded on three sides by Fifth, Euphrosine, and Fourth streets, and on the fourth side or line, which is irregular, partly by Calliope street and partly by the line of the faubourg Lafayette,
15 which square of ground contains twenty-two lots, numbered from one to twenty-two.

19°. A small portion of ground, of a triangular form, designated by the number ninety, bounded on one side by Calliope street, on one side by Fifth street, and on the third side by the line dividing it from the faubourg Lafayette.

20°. A certain portion of ground, designated by the number ninety-one, bounded by Fourth, Euphrosine, and Van Buren streets, and the line of the faubourg Lafayette; which portion of ground contains fifteen lots, numbered from one to fifteen.

21°. A certain square of ground, designated by the number ninety-two, bounded by Fourth, Euphrosine, Van Buren, and Venus streets; which square contains twenty-two lots, numbered from one to twenty-two.

22°. A certain square of ground, designated by the No. ninety-
16 three, bounded by Fourth, Venus, Van Buren, and Aglaé streets; which square contains twenty-two lots of ground, numbered from one to twenty-two.

23°. A certain portion of ground, numbered ninety-four, bounded by Fourth, Aglaé, and Van Buren streets, and the Turnpike road; which portion of ground contains two lots, numbered one and two.

24° A certain portion of ground, designated by the number ninety-five, bounded by Van Buren, Aglaé, and Third streets, and the Turnpike road; which portion of ground contains two lots, numbered one and two.

25°. A certain square of ground, designated by the number ninety-six, bounded by Van Buren, Venus, Third, and Aglaé streets; which square contains twenty lots, numbered from one to twenty.

26°. A certain square of ground, designated by the number ninety-seven, bounded by Van Buren, Euphrosine, Third, and Venus
17 streets; which square contains twenty lots, numbered from one to twenty.

27°. A certain portion of ground, designated by the number ninety-eight, bounded by Van Buren, Euphrosine, and Third streets, and the line of the faubourg Lafayette; which portions of ground contains nine lots, numbered one to nine.

28°. A certain portion of ground, of triangular form, designated by the number ninety-nine, bounded on one side by Third street, on one side by Euphrosine street, and on the other side by the line of the suburb Lafayette.

29°. A certain square of ground, designated by the number one hundred, bounded by Third, Euphrosine, Second, and Venus streets, which square contains twenty-four lots, numbered from one to twenty-four.

30°. A certain square of ground, designated by the number one hundred and one, bounded by Third, Venus, Second, and Aglaé streets;
18 which square contains twenty-four lots, numbered from one to twenty-four.

31°. A certain portion of ground, designated by the number one hundred and two, bounded by Third, Aglaé, and Second streets and the Turnpike road; which portion of ground contains ten lots, numbered from one to ten.

32°. A certain portion of ground, designated by the number one hundred and three, bounded by Second and Aglaé streets, St. John avenue, and the Turnpike road; which portion of ground contains ten lots of ground, numbered from one to ten.

33°. A certain square of ground, designated by the number one hundred and four, bounded by Aglaé, Second, and Venus streets, and St. John avenue; which square contains twenty-four lots, numbered from one to twenty-four.

34°. A certain portion of ground, designated by the number one
19 hundred and five, bounded on the first side by Second street, on the second by Venus street, on the third by St. John avenue, and on the fourth partly by Euphrosine street, partly by the line of the faubourg Lafayette, and partly by the line dividing it from other property; said portion of ground being divided into twenty lots, numbered from one to twenty.

6°. A certain square of ground designated by the number seventy-six, and bounded by Dorgenois, Calliope, Broad, and Euphrosine streets, which square is divided into thirty-four lots, numbered from one to thirty-four.

7°. A certain square of ground designated by the No. seventy-seven, and bounded by Dorgenois, Euphrosine, Broad, and Venus streets;
12 which square is divided into thirty-four lots, numbered from one to thirty-four.

8°. A certain square or parcel of ground, designated by the number seventy-nine, bounded by Broad, Venus, and Sixth streets and the Turnpike road; which square is divided into thirty-four lots, numbered from one to thirty-four.

9°. A certain square of ground designated by the number eighty, and bounded by Broad, Euphrosine, Sixth, and Venus streets; which square contains thirty-eight lots, numbered from one to thirty-eight.

10°. A certain square of ground designated by the number eighty-one and bounded by Broad, Calliope, Sixth, and Euphrosine streets; which square contains thirty-eight lots, numbered from one to thirty-eight.

11°. A certain portion of ground, designated by the number eighty-two, bounded by Broad, Calliope, and Sixth streets and the line
13 of the suburb Lafayette; which portion of ground contains twenty-three lots, numbered from one to twenty-three.

12°. A certain portion of ground, designated by the number eighty-three, bounded by Sixth, Calliope, and Fifth streets and the line of the faubourg Lafayette; which portion of ground contains five lots, numbered from one to five.

13°. A certain square of ground, designated by the number eighty-four, bounded by Sixth, Calliope, Fifth, and Euphrosine streets; which square contains twenty-two lots, numbered from one to twenty-two.

14°. A certain square of ground, designated by the number eighty-five, bounded by Sixth, Euphrosine, Fifth, and Venus streets; which square contains twenty-two lots, numbered from one to twenty-two.

14 15°. A certain square of ground, designated by the number eighty-sixth, bounded by Sixth, Venus, Fifth streets, and the Turnpike road; which square contains twenty-two lots, numbered from one to twenty-two.

16°. A certain square of ground, designated by the number eighty-seven, bounded by Fifth, Venus, Fourth streets, and the Turnpike road, which contains twenty-two lots, numbered from one to twenty-two.

17°. A certain square of ground, designated by the number eighty-eight, bounded by Fifth, Euphrosine, Fourth, and Venus streets, which square contains twenty-two lots, numbered from one to twenty-two.

18°. A certain square or parcel of ground, designated by the number eighty-nine, bounded on three sides by Fifth, Euphrosine, and Fourth streets, and on the fourth side or line, which is irregular, partly by Calliope street and partly by the line of the faubourg Lafayette,
15 which square of ground contains twenty-two lots, numbered from one to twenty-two.

19°. A small portion of ground, of a triangular form, designated by the number ninety, bounded on one side by Calliope street, on one side by Fifth street, and on the third side by the line dividing it from the faubourg Lafayette.

20°. A certain portion of ground, designated by the number ninety-one, bounded by Fourth, Euphrosine, and Van Buren streets, and the line of the faubourg Lafayette; which portion of ground contains fifteen lots, numbered from one to fifteen.

21°. A certain square of ground, designated by the number ninety-two, bounded by Fourth, Euphrosine, Van Buren, and Venus streets; which square contains twenty-two lots, numbered from one to twenty-two.

22°. A certain square of ground, designated by the No. ninety-
16 three, bounded by Fourth, Venus, Van Buren, and Aglaé streets; which square contains twenty-two lots of ground, numbered from one to twenty-two.

23°. A certain portion of ground, numbered ninety-four, bounded by Fourth, Aglaé, and Van Buren streets, and the Turnpike road; which portion of ground contains two lots, numbered one and two.

24° A certain portion of ground, designated by the number ninety-five, bounded by Van Buren, Aglaé, and Third streets, and the Turnpike road; which portion of ground contains two lots, numbered one and two.

25°. A certain square of ground, designated by the number ninety-six, bounded by Van Buren, Venus, Third, and Aglaé streets; which square contains twenty lots, numbered from one to twenty.

26°. A certain square of ground, designated by the number ninety-seven, bounded by Van Buren, Euphrosine, Third, and Venus
17 streets; which square contains twenty lots, numbered from one to twenty.

27°. A certain portion of ground, designated by the number ninety-eight, bounded by Van Buren, Euphrosine, and Third streets, and the line of the faubourg Lafayette; which portions of ground contains nine lots, numbered one to nine.

28°. A certain portion of ground, of triangular form, designated by the number ninety-nine, bounded on one side by Third street, on one side by Euphrosine street, and on the other side by the line of the suburb Lafayette.

29°. A certain square of ground, designated by the number one hundred, bounded by Third, Euphrosine, Second, and Venus streets, which square contains twenty-four lots, numbered from one to twenty-four.

30°. A certain square of ground, designated by the number one hundred and one, bounded by Third, Venus, Second, and Aglaé streets;
18 which square contains twenty-four lots, numbered from one to twenty-four.

31°. A certain portion of ground, designated by the number one hundred and two, bounded by Third, Aglaé, and Second streets and the Turnpike road; which portion of ground contains ten lots, numbered from one to ten.

32°. A certain portion of ground, designated by the number one hundred and three, bounded by Second and Aglaé streets, St. John avenue, and the Turnpike road; which portion of ground contains ten lots of ground, numbered from one to ten.

33°. A certain square of ground, designated by the number one hundred and four, bounded by Aglaé, Second, and Venus streets, and St. John avenue; which square contains twenty-four lots, numbered from one to twenty-four.

34°. A certain portion of ground, designated by the number one
19 hundred and five, bounded on the first side by Second street, on the second by Venus street, on the third by St. John avenue, and on the fourth partly by Euphrosine street, partly by the line of the faubourg Lafayette, and partly by the line dividing it from other property; said portion of ground being divided into twenty lots, numbered from one to twenty.

35° A certain portion of ground, designated by the number one hundred and six, bounded by St. John avenue, Venus and Violet streets, and on the other side by the line of other property; which portion of ground contains eight lots of ground, numbered from one to eight.

36° A certain portion of ground, designated by the number one hundred and seven, bounded by St. John avenue, Aglaé, Violet, and Venus streets; which square contains twenty-two lots, numbered from one to twenty-two.

37° A certain square of ground, designated by the number one
20 hundred and eight, bounded by St. John avenue, Aglaé, and Violet streets, and the Turnpike road; which square contains fifteen lots, numbered from one to fifteen.

38° A certain portion of ground, designated by the number one hundred and nine, bounded by Violet, Aglaé, and Lemon streets, and the Turnpike road; which square contains eighteen lots, numbered from one to eighteen.

39° A certain square of ground, designated by the number one hundred and ten, bounded by Violet, Venus, Lemon, and Aglaé streets; which square contains twenty-two lots, numbered from one to twenty-two.

40° A certain portion of ground, of a triangular figure, designated by the number one hundred and eleven, bounded by Venus and Violet streets on two sides, and on the other by the dividing-line of property belonging to . . . . .

41° A certain portion of ground, designated by the number one
21 hundred and twelve, bounded on one side by Aglaé street, on one side by Lemon street, on one side partly by Mulberry street, and partly by the line dividing it from the property of D. T. Walden, which line is irregular, and on the other side by property belonging to which portion of ground contains fourteen lots, numbered from one to fourteen.

42° A certain square of ground, designated by the number one hundred and thirteen, bounded by Lemon, Aglaé, and Mulberry streets, and the Turnpike road; which square contains eighteen lots of ground, numbered from one to eighteen.

43° A certain portion of ground, designated by the number one hundred and fourteen, bounded by Mulberry and Aglaé streets, the Turnpike road, and the property now or late of said D. T. Walden; which portion of ground contains four lots, numbered one to four.

22 44° And a small portion of ground, of a triangular form, designated by the number one hundred and fifteen, bounded by Aglae and Mulberry streets and the aforesaid property of Walden.

Together with the rights, ways, and privileges on the above-described property, and all appurtenances thereunto belonging or in any wise appertaining, without exception or reservation.

The above-described property forms parts of the properties which the said John M. Hall acquired from said S. W. Oakey by two several acts of sale, one of which was passed before the undersigned notary on the nineteenth day of May, one thousand eight hundred and thirty-seven, and the other before Felix Grima, a notary public of this city, under date of the thirteenth day of June, eighteen hundred and thirty-seven.

23 That after having duly cried the aforesaid properties, the whole were adjudicated to John Slidell, of this city, for the sum of three thousand nine hundred dollars,(3,900,) payable one-fifth in cash, and the balance in four equal annual instalments, at one, two, three, and four

years. for notes satisfactorily endorsed, secured by special mortgage, and bearing interest at the rate of ten per centum per annum from maturity until final payment.

Now, in consideration of the premises, and in confirmation of the said adjudication, the said S. W. Oakey, acting in his capacity of assignee, as above set forth, does by these presents sell, bargain, convey, transfer, assign, set over, and deliver unto the said John Slidell, here present and accepting for himself, his heirs and assigns, and acknowledging due delivery and possession, the properties herein above described, and the rights, ways, privileges, and appurtenances thereunto belonging.

To have and to hold the said above-described properties
24 unto the said purchaser, his heirs, and assigns, to their proper use and behoof forever; the said assignee hereby vesting in said purchaser all the rights and titles of ownership and property which the said bankrupt had in and to the said properties.

The said rights and titles to be enjoyed and exercised by the present purchaser to the fullest extent, by virtue of these presents.

This present sale, pursuant to the terms and conditions of the above-mentioned adjudication, is made and accepted for and in consideration of the price and sum of three thousand nine hundred dollars, which the said purchaser, John Slidell, claims to retain in his hands, as mortgage-creditor, he being the holder of sixty thousand dollars of notes, subscribed by John M. Hall to the order of S. W. Oakey, and secured
25 by mortgage on the above-described property, passed before Felix Grima, notary public, on the thirteenth day of June, eighteen hundred and thirty-seven.

And the said S. W. Oakey, in his said capacity of assignee of said John M. Hall, acknowledged to have received from said John Slidell the sum of two hundred eighty-five dollars, being his proportion of the expenses incurred for the sale of the above-described property.

And the said assignee does hereby subrogate said purchaser to all the rights of warranty and others, which the said bankrupt, John M. Hall, had against all previous vendors.

By reference to the certificate of the recorder of mortgages in and for this parish and city, annexed to an act of sale of an even date herewith, it appears that there is no mortgage against said bankrupt on the property herein conveyed, all mortgages having been can-
26 celled by the said assignee to effect the sale of his property.

Thus done and passed at the city of New Orleans on this twenty-eighth day of August, one thousand eight hundred and forty-three, in presence of Messrs. John Cragg and Joseph Reynes, competent witnesses, who have signed these presents with the parties and me, the notary, after reading the whole.

(Original signed)

S. W. OAKEY.
JOHN SLIDELL.
J. CRAGG.
REYNES.
A. MAZUREAU,
Not. Pub.

STATE OF LOUISIANA,
Parish of Orleans:

I, Andrew Hero, jr., a notary public, and the custodian of notarial records in and for this parish and city of New Orleans, duly commissioned and qualified, do certify the within and foregoing to be a true and correct copy of the notarial original act, extant amongst the records

of Adolphe Mazureau, then notary in this city, and whose
27 notarial records I hold as custodian thereof.

Attest my hand and seal of custodian aforesaid at New Orleans this 27th December, A. D. 1871.

[SEAL.] ANDREW HERO,
Custodian of Notarial Records.

Certificate recorder of mortgages.

True copy of the act recorded in the conveyance office, parish of Orleans, on the 28th September, 1843, in book No. 34, folios 401 to 404.

New Orleans, 22nd January, 1872.

C. B. FISH, *Deputy.*

Citation.

State of Louisiana, fourth district court for the parish of Orleans.

HEIRS OF JOHN SLIDELL
vs.
EDWARD HEATH. } No. 30247.

Mr. EDWARD HEATH, *New Orleans:*

28 You are hereby summoned to comply with the demand contained in the petition, of which a copy accompanies this citation, or deliver your answer to the same, in the office of the clerk of the fourth district court for the parish of Orleans, in ten days after the service hereof.

Witness the honorable Paul E. Théard, judge of the said court, the 23rd day of January, in the year of our Lord 1872.

W. H. CARSON,
Deputy Clerk.

Sheriff's return.

Received January 23rd, 1872, and on the 24th of same month and year served copy of within citation and accompanying petition on defendant herein, Edward Heath, in person.

J. HILLIEURS,
Deputy Sheriff.

29 *Answer.—Filed June 5th,* 1872.

Fourth district court for the parish of Orleans.

ALFRED SLIDELL, MARIE ROSINE SLIDELL, Marie Marguerite Caroline Slidell, and Mrs. Marguerite Malthilde Slidell, wife of Baron Emile d'Erlanger,
versus
EDWARD HEATH. } No. 30247.

To the honorable the judge of the fourth district court for the parish of Orleans:

And now comes Edward Heath, defendant in the above-entitled cause,

into court, and for answer to plaintiffs' petition herein, saith that he denies all and singular the allegations contained in the same, except as so far as may be hereinafter confessed and avoided.

30 Respondent admits that he is now and has been in possession, as owner, of the property described in plaintiffs' petition since about the 31st May, 1865.

Respondent, further answering, says that the value of the property involved in this suit exceeds the sum of five hundred dollars.

And, further answering in this behalf, said defendant saith that said plaintiffs ought not to further have and maintain their said action against said defendant, for he saith that said plaintiffs at the time of the institution of this suit and at all times since that time had and possessed or possesses no right, title, or interest whatsoever in or to the real estate, lands, and immovable property named, set forth, and described in said plaintiffs' petition, or to or in any right, appurtenance, hereditament, or improvements in any wise belonging or appertaining thereto, but, on the contrary thereof, all the rights, title, interest, and property in and to said lands, tenements, real estate, and immovable property, and the improvements thereon, set forth and described in said plaintiffs' petition, together with all and singular the right, title, appurtenances, hereditaments, and privileges thereunto belonging or in any wise appertaining, did before and at the time of the commencement and institution of this action, and at all times since, and at this time, belong to and are the sole and individual property of said defendant, Edward Heath, by good, legal, absolute, and indefeasable title in law, absolutely free from all and any claim, right, title, or interest whatsoever therein and thereon which the said plaintiffs set up and pretend to have and possession, and to the same by means of the pretenses and reasons alleged and set forth in their said petition herein; for this, that by the force and effect and by virtue of the provisions of an act of Congress of the United States, approved July 17th, A. D. 1862, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," and the laws of the United States of America, all of the said lands, tenements, property, and hereditaments set forth and described in said plaintiffs' petition at and before the fifteenth day of August, A. D. 1863, became and were subject to and liable to seizure and confiscation to the Government of the United States of America, together with the interests and rights of all and all manner of persons whatsoever that had, or pretended to have, any right, title, or interest, or pretended right, title, or interest, in or to the same or any part thereof, including any and all pretended right, title, and interest whatsoever, which said plaintiffs then and there had, or pretended to have, in and to said property, or any part thereof, at that time.

31

32

That by virtue of the provisions and authority by law invested in the President of the United States, and the duty imposed upon him by the laws of the United States, he caused said property, described in plaintiff's petition, to be lawfully seized and taken into the possession of the United States before and on the said fifteenth day of August, A. D. 1863, in order that the same, the use and proceeds thereof, might be applied to the support of the Army of the United States, according to the terms, conditions, provisions of the statutes of the United States in such case made and provided.

33 That said property and all and every portion thereof, so being lawfully seized and in possession of the United States as aforesaid, for the reason, cause, use, and for the purpose aforesaid, and said

property, and all and every part and portion thereof, lying and being situate in the parish of Orleans, in the State of Louisiana, and within the territorial jurisdiction of the United States district court for the eastern district of Louisiana aforesaid, and subject to and within the lawful reach of the process of said district court of the United States, and in all things subject to the jurisdiction of said court in that behalf, in order to secure the condemnation and sale of said property after the same had been lawfully seized and in the possession of the United States as aforesaid, and so that the same might be made available for the purposes aforesaid by virtue of the authority, requirements, and provisions of the statutes of the United States in such case made and provided, at the instance and in behalf of the United States of America, and the Government thereof, on or about the fifteenth day of September, A. D. 1863, in said district court of the United States in and for the eastern district of Louisiana, at and during a term of said court, begun and holden at the city of New Orleans, in said district, in the year of our Lord one thousand eight hundred and sixty-three, by
34 his honor Edward H. Durell, the lawful judge thereof, certain proceedings in rem were instituted in behalf and in the name of the United States of America against said property described and set forth in said plaintiffs' petition in this action.

That on the day and year aforesaid, to wit, on or about the 15th day of September, A. D. 1863, at New Orleans aforesaid, in the district aforesaid, in the court aforesaid, having full and competent jurisdiction thereof as aforesaid, and at and during the term aforesaid, Rufus Waples, at that time being the duly appointed and qualified district attorney of the United States, and within the district aforesaid, and having full and competent authority in that behalf by and with the consent, and at the direction, instance, and request of the Government of the United States of America, in open court, in behalf of and representing the United States by virtue and force of the provisions of the statutes of the United States in such case made and provided, in compliance with the rules and law governing such matters in said court, in the name of the United States of America instituted said proceedings in rem against said property named in said plaintiffs' petition in this action, by then and there, in open court, exhibiting and filing a certain libel
35 of information in writing, duly drawn, framed, and made in due form of law, and signed by said Rufus Waples, then being United States district attorney in and for the district aforesaid, against the said property named and described and set forth in said plaintiffs' petition in this action, and against all persons intervening for their interest therein in a case of seizure and forfeiture.

That in said libel of information so exhibited and filed as aforesaid was and is definitely, distinctly, and articulately according to law and the rules of proceedings governing in such matters, in due form, articulately propounded, pleaded, and set forth in writing certain distinct and definite charges, matters, and allegations whereby it distinctly and definitely appears that, by virtue of the statutes of the United States of America in such cases made and provided, and then and at that time in full force and effect, said real estate, property, land, immovable property, together with all and singular the rights, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, described, and set forth in said plaintiffs' petition in this cause, and fully described in said libel of information, and charged therein to have been the property of one John Slidell, became and was forfeited to the United States of America, and ought to be condemned and forfeited to the use and

benefit of the United States, together with the interest or interests,
36 right or rights of any or all manner of persons claiming any rights or interest whatsoever therein or thereto, by reason whereof the said United States district attorney, for and in behalf of the said United States in said libel of information, in due form of law, as he lawfully might, prayed the said court, among other things, that process of monition in due form of law might issue against said property and the owner or owners thereof, and against all persons interested or claiming an interest therein, warning them at an early day, to be named in said process, to be and appear in said court, and answer said libel of information, might be made in the usual form of proceedings in rem, and after due proceedings had, said property, and the interest of any and all persons therein, might be condemned and forfeited by the judgment of said court to the United States.

That according to law, in the due course of proceedings in court in such cases, and in compliance with the said prayer in said libel of information contained, after said libel had been so exhibited and filed as aforesaid, and on or about the 15th day of September, A. D. 1863, said court having full and complete authority and jurisdiction so to do, made and order in said cause whereby, among other things, it was ordered
37 that notice be given to the owner and owners of said property and real estate, and all the persons interested therein, to appear and answer said libel of information on the 5th day of October, A. D. 1863, and shew cause if any they had, why said property and real estate, and the right, title, and interest therein of the said John Slidell, should not be condemned and sold according to law; and that notice whereof be given by posting a copy of said order upon the door of the said court-house in said district, and by publication in the Era newspaper twice a week, previous to said 5th day of October, A. D. 1863, the first publication to be on or before the 19th day of September, 1863.

That on the 15th day of September, A. D. 1863, aforesaid, a process of monition duly issued according to law, was issued out of said court, under the seal thereof and attested according to law, and delivered to the United States marshall in and for the said district, commanding said marshal and his lawful deputies, among other things, to cite and admonish the owner or owners, and all and every other person or persons having or pretending to have any right, title, or interest in or to the said property described in the said libel of information, to be and appear before the said district court of the United States for the said district on or before the said 5th day of October, 1863, that day
38 being third Monday after the filing of said libel and the institution of said proceedings in rem, to show cause if any they had, why said property should not be condemned and sold according to the prayer of said libel.

That due, full, and legal service of said process was made by said marshal, according to the law in such case provided, whereby and by force whereof said court then and there became, and was, vested with full power, authority, and jurisdiction over said property, and all *and all* manner of persons claiming and pretending to claim or have any right, title, and interest in or to said property, and over any and all claim which they or any of them had, or could in law assert against, in, or to the same, and the full power, authority, and jurisdiction to hear, adjudge, pronounce, and decree upon the same, and by means whereof all and all manner of persons whatsoever became and were informed, cited, and admonished that said proceedings had been instituted and were pending in said court against said property, and all persons

claiming any interest therein and whereby all and all manner of persons having or pretending to have any right, title, or interest in or to said property, including said plaintiffs, and all other persons whatsoever became, and was and were in law parties to said suit or cause, and compelled in law either to obey said process and appear in said
39 court within the delay allowed by law, and assert and establish any right, claim, title, or interest whatsoever which he or they or any of them might have in or to the said property seized and libelled as aforesaid, or forever abandon the same, and stand silent respecting the same forever thereafter.

That in due course of proceedings in said cause in said court, and after the expiration of the period and delay within which said person or persons claiming to have any right, title, interest whatsoever in and to said property, real estate, lands, and tenements so libelled in said cause were required by law to appear in said court in said cause, and assert the same and answer said libel of information, said plaintiffs in this cause and all manner of persons claiming to be or to have been the owner or owners of said property, or of any part or portion thereof, having utterly failed to be and appear in said cause in said court, and defend himself and themselves against the same, or to assert, claim, and establish any right, title, or interest in or to said property, libelled in said cause be, together with all other persons, was and were, after due proceedings had and proclamation made by said court, to wit, on or about the 18th day of April, A. D. 1864, adjudged and pronounced in contumacy and default in said cause, and the said libel of information, and all the matters and allegations pleaded and set forth therein, ad-
40 judged and taken pro confesso against him and all of them.

That afterwards, on or about the 18th day of March, A. D. 1865, at and during a regular term of said term of said district court of the United States in and for the eastern district of Louisiana, begun and holden in the city of New Orleans, on the third Monday of February, 1865, and in the due and regular course of proceedings in said cause in said court, and the judge thereof having full, lawful, and competent right and authority so to do, did render a final judgment and decree, and it was then and there solemnly and publicly adjudged, sentenced, and decreed in open court by the judge thereof, by virtue of the power and authority in him vested, that all of said property named and described in said libel of information in said cause, together with all the improvements thereon, to be sentenced, condemned, and forfeited to the United States of America; and further, that a writ of venditio exponas issue, and the said property sold, and the process thereof distributed according to law, which said judgment and decree was on the 24th day of March, A. D. 1865, duly signed by said judge.

That the property, real estate, and land, together with all the buildings and improvements on the same, described in plaintiffs' petition herein, are in all things the same and identical with the said property so condemned and forfeited to the United States by the force and effect of said judgment and decree.

41 And said defendant saith that by force of the statutes and laws of the United States in such case made and provided, and by force and effect of said sentence, judgment, and decree, and of the proceedings in said court upon which said sentence and decree was and is based, the said plaintiffs in this cause, and any and all persons whatsoever, became, and at all times after the institution of said cause and at the time of said final judgment and decree therein were, in law, parties litigant in said cause, (and might have been actual parties liti-

gant therein had he or they or any one of them seen fit so to have been,) and were and are in all things affected and concluded in law by the said final sentence, judgment, and decree therein, and that any and all pretence of title, right, or interest whatsoever, which said plaintiff may at any time before the date of said judgment and decree have had in or to said property or any part thereof, by virtue of said alleged facts in plaintiffs' petition contained, or by any other means whatsoever, was fully and forever adjudged, decreed, and pronounced against in and by said judgment and decree in said cause, and said property and all and every part thereof in all things forever freed and discharged from any and all right, title, claim, and interest whatsoever which said plaintiffs in this action they may have had, or pretended to have, prior to said judgment, sentence, and decree, against him and said property aforesaid.

42 That by force of the statutes and laws of the United States in said case made and provided, said judgment and decree vested in the United States of America a full, complete, and absolute title to said property, and all and every part thereof, free from any and all *and all* manner of claim or claims, right, title, or interest whatsoever of any other person or persons whatsoever.

That the United States, so being the sole owner of said property by free and unencumbered title as aforesaid, afterwards, to wit, on or about the 27th day of March, A. D. 1865, caused to be issued out of said district court, under the seal thereof, in due form of law, duly attested as required by law, and based upon the judgment and decree aforesaid, a certain writ of venditio exponas, directed to the marshal of the United States for the eastern district of Louisiana, or either of his lawful deputies, which said writ recited said judgment, and decreed and commanded the said marshal or his deputies to sell the said property to the highest bidder at public auction at the Merchants and Auctioneers' Exchange in the city of New Orleans, within said district, in due form of law, after due and legal advertisement, notice, proclamation, and as specified in the same.

That by virtue of the said writ of venditio exponas, said mar-
43 shal, after giving due legal notice and advertisement as required by law, and directed by said writ, and also after due proclamations and advertisements, did expose and offer for sale said property, described in plaintiffs' petition in this action, on the 7th day of June, A. D. 1865, at the named place in said writ, at the place and as directed by said writ, in all things complying with the law governing such matters.

That said defendant, Edward Heath, became and was the last and highest bidder for said property mentioned and described in plaintiffs' petition in this action, at said sale, on the 7th day of June, 1865.

Thereupon the same was adjudged by said marshal to said defendant for the price and sum of four hundred dollars, the price and sum bid therefore, and who then and there, in compliance with the terms and conditions of said sale, paid to the marshal for the United States the sum of two hundred dollars in ready current money of the United States of America, and then and there also executed and delivered to said marshal his certain promissory note for the sum of two hundred dollars, dated New Orleans, the 7th day of June, 1865, and made payable to the order of the clerk of the United States district court for the eastern district of Louisiana, and payable one year from its date, with special mortgage on the property so purchased as aforesaid, to secure the payment
44 of the same, and thereby became, and in law was, the lawful owner

of all said property mentioned and described in plaintiffs' petition in this action, free from any and all pretended claims and rights set up by plaintiffs in this case, or any person or persons whatsoever.

That afterwards, and in order to furnish said defendant full and perfect evidence of the absolute and perfect title of said defendant, Edward Heath, in and to said property described in said plaintiffs' petition, and so sold and adjudicated to said defendant at the marshal's sale aforesaid, the said marshal, by virtue of the authority in him vested, and under the direction of said district court, and the lawful rules thereof, made by said court, having lawful authority in that behalf, on or about the 4th day of June, A. D. 1865, did make, execute, and deliver in due form of law to said defendant an act or deed of sale evidencing in due form of law said sale and adjudication to said defendant, and granting and conveying all the said land and premises and property described in said plaintiffs' petition, and so condemned and forfeited to the United States as aforesaid, and so sold to said defendant, Edward Heath, at said marshal's sale.

That afterwards, to wit, on or about the 21st day of May, A. D. 1866, the said writ of venditio exponas issued in said case, having been
45 previously returned into said court from which it issued, showing the gross sales of all the property sold under the same to be one hundred thousand and four hundred and ten dollars, ($100,410,) the sales of all property condemned as aforesaid, and ordered to be sold, was in effect ratified and confirmed by the United States district court, by its order, judgment, and decree made on that day directing and decreeing that after deducting certain specified costs, charges, taxes, etc., which were allowed by the court from the gross receipts of the sale of all the property condemned and sold as aforesaid, the balance of cash on hand, to wit, the sum of $40,316.96, and $26,932 be reserved, etc.

Whereby this defendant became and was and is, in law, unto himself, his heirs and assigns, in all things possessed and seized of all said lands and property, and all improvements and appurtenances thereunto appertaining, by full, complete, absolute, and unencumbered title, free from all and any pretended rights and claims whatsoever of said plaintiffs in this action, or any other person or persons whatsoever, all of which will more fully, correctly, and at large appear from a full, true, complete, and duly-authenticated copy and transcript (as well as an examined one) of the records and proceedings of record in said cause in said United States district court for the eastern district of Louisiana, now re-
46 maining in the custody and keeping of the clerk of the district court of the United States for the district of Louisiana, at the city of New Orleans, hereunto attached, and herewith filed and marked A, and made part of this answer.

And the said defendant further saith, that said act of sale so made by the marshal aforesaid, was and is duly recorded, according to law, in the office of the register of conveyances on the 6th of March, A. D. 1866, in book 10, folio 373, in the parish of Orleans and State of Louisiana, and that of all and singular the matters in this answer stated and set forth, the said plaintiffs have at all times had full notice.

Wherefore by reason of the premises, defendant Edward Heath prays that plaintiff's' claim be rejected with costs, etc., and that there be judgment in favor of respondent and against plaintiffs, and for all equitable and general relief in the premises.

L. MADISON DAY,
Defendant's Att'y.

Motion making parties plaintiff.—Filed November 29th, 1872.

Fourth district court.—Parish of Orleans.

47 HEIRS OF SLIDELL *vs.* EDWARD HEATH. } No. 30247.

On motion of Clarke, Bayne and Renshaw, of counsel for Le Vicomte Henri de St. Roman and Baron Louis de Pfyffer Hendigg, and on suggesting to the court that since the institution of this suit the former has intermarried with Marie Rosine Slidell, and the latter with Marie Marguerite Caroline Slidell, two of the plaintiffs in this cause, it is ordered by the court that said St. Roman and the said Pfyffer Hendigg be submitted as parties plaintiffs herein, to authorize and assist their said wives in the prosecution of their demands.

Note of evidence.—Filed November 29th, 1872.

Fourth district court for the parish of Orleans.

HEIRS OF JOHN SLIDELL *vs.* EDWARD HEATH. } No. 30247.

48 This case this day taken up by consent, T. L. Bayne, attorney for plaintiffs, L. Madison Day, for defendant, being present:

Defendant offered in evidence the deed and title referred to in the petition, with registry copy, to be furnished and filed. The allegations of plaintiffs as to the death of John Slidell and of Mrs. Slidell admitted to be true, and it is admitted by defendant that the petitioners and plaintiffs are heirs of John Slidell, as alleged, and that the property was the property of John Slidell as alleged.

This evidence and their admissions offered in behalf of plaintiffs, and such evidence and admissions as were used in No. 29791.

Defendants offer in evidence the transcript of proceedings in the case of The United States vs. 844 Lots of Ground, including the deed of the United States marshal, marked A, and filed herein, and said transcript being same offered in case No. 29791 of this court, Heirs of John Slidell vs. T. Huppenbauer, being transcript of record from the district court of the United States, eastern district of Louisiana, in case of The United States vs. 844 Lots and 10 Squares of Ground, No. 7686.

49 The statement of defendant that the property is unimproved and not entered, to be filed.

CLARKE, BAYNE AND RENSHAW,
Attorney for Plaintiffs.

L. MADISON DAY, *Attorney.*

Deed of sale A.—Offered in evidence.

UNITED STATES OF AMERICA,
Eastern District of Louisiana, City of New Orleans:

Whereas I, Cuthbert Bullitt, marshal of the United States for the eastern district of Louisiana, under and by virtue of a writ of venditioni exponas, to me directed by the honorable the district court of the

United States, for the district aforesaid, in the suit entitled United States vs. 844 Lots and Ten Squares of Ground, the property of John Slidell, No. 7686 of the docket of said court, did expose at public sale according to law, and after all the previous legal requisites had been fulfilled and complied with, and after having given full thirty days' notice of said sale in the True Delta, one of the daily newspapers printed and published in the city of New Orleans, viz, on the 29th March; 5, 6, 12, 18, 23 April; 8, 22, 24, and 30 May; and 3 and
50 7 June, 1865, the following-described property, viz:

The square No. 79, bounded by Broad, Venus, and Sixth streets and the Turnpike road, divided into 34 lots.

On Wednesday, the seventh day of June, 1865, in the year one thousand eight hundred and sixty-five, at the hour of twelve o'clock meridian, at the Merchants and Auctioneers' Exchange, No. 18 Royal street, in this city, when after making due proclamation of said sale and duly crying the said property and appurtenances, the same were adjudicated to Edward Heath, being the last and highest bidder thereon, for the price and sum of four hundred dollars in cash at the time of adjudication, which said sum I hereby acknowledge to have received in the following manner, viz:

In a note dated 7th June, 1865, draw' by himself, payable one year after date to the order of the clerk of the U. S. district court for two hundred ($200.00) dollars, to secure payment of which note special mortgage is hereby retained on the above-described property, and for the balance I have received from the said two hundred ($200) dollars in ready current money of the United States of America.

And it appears from a duly-certified copy from the records in
51 the office of the recorder of mortgages for the parish of Orleans, which certificate is annexed to the venditioni exponas, under the authority of which the above-described property has been sold, that there are none other than the following mortgages recorded against the above-described property, viz:

Book , page 9, folio 197. The general one in favor of the city of New Orleans, resulting from a judgment rendered by the 2nd justice court on the 15th August, for $8.22 interests and costs.

Book , p. 5, folio 571. The privilege in favor of the New Orleans Draining Company lying on the property situate in its respective limits.

Book , p. 1, folio 370. The privilege in favor of the First Draining Company lying on the property situate in its respective limits.

Now, therefore, know all men by these presents that I, the U. S. marshal aforesaid, in consideration of the premises, and by virtue of the laws in such case made and provided, and under the authority of the acts of Congress of 6th August, 1861, the 17th July, 1862, and the 3rd March, 1863, in relation to confiscation, do hereby sell, transfer, assign, and set over unto the said Edward Heath as aforesaid, his heirs, administrators, executors, and assigns, all and singular the above-
52 described property, with all the buildings and improvements thereon, rights, ways, privileges, hereditaments, and appurtenances to the same belonging and in any wise appertaining.

To have and to hold the above-described property, with all the buildings and improvements thereon, rights, ways, etc., etc., as aforesaid, unto the said Edward Heath, his heirs and assigns, as aforesaid, to his and their proper use, benefit, and behoof forever.

In testimony whereof I grant these presents under my signature as United States marshal aforesaid, in the said city of New Orleans, on

this fourteenth day of June, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth. Four words interlined ap-
53 proved before signing.

CUTHBERT BULLITT,
United States Marshal.

Executed in presence of—
WILLIAM T. H. PRIES.
C. BRISBLANC.

United States court, eastern district of Louisiana, city of New Orleans.

I hereby certify that the foregoing deed of sale has this day been duly recorded in this office on sales-book folios .

CLERK'S OFFICE, , 186 .

I, register of conveyances, certify that the present act was this day rendered in this office in book 90, f'l'o 373.
New Orleans, 6th March, 1866.

PHI. GUISNOU,
Dep'y Recorder.

Receipt annexed to deed. Second justice court. No. 2383. City of New Orleans vs. John Slidell.

54 JULY 15th, A. D. 1856.

Received twenty-six dollars and forty-seven cents, in full satisfaction of the judgment herein in capital, interest, attorney's fees, including constable's fees, advertising, and recording. M. O.
New Orleans, July 28, 1866.
$26.47. E. BERMUDEZ, *Att'y,*

Admissions.

Fourth district court for the parish of Orleans.

HEIRS OF JOHN SLIDELL } No. 30247.
vs.
EDWARD HEATH.

It is admitted that John Slidell died July 30th, 1871; that Mrs. Slidell, his wife, died previously; that there was no community between them.

That the plaintiffs are sole heirs of John Slidell and his wife, and have been judicially recognized as such, and ordered to be put in possession.

That said plaintiffs are children of John Slidell, issue of his
55 marriage with Mathilde Deslonde, and the only children of said Slidell; and there are no other representatives that would take under the law his estate at his decease.

That the title of plaintiff' is good and valid unless divested by the proceedings in the United States district court, shown by the records marked , and the deed of , marshal, marked , offered by defendant.

Heath's statement.—Filed November 29th, 1872.

Fourth district court for the parish of Orleans.

HEIRS OF JOHN SLIDELL
vs.
EDWARD HEATH. } No. 30247.

I hereby certify that the property involved in this suit is vacant and unenclosed, and that no revenue has been or is derived from the same.
E. HEATH.

Record No. 7686, U. S. D. C. of E. D. of L'a, offered in evidence by defendant, as per note of evidence.

56 United States district court in and for the district of Louisiana.

UNITED STATES
vs.
844 LOTS AND 10 SQUARES OF GROUND, THE property of John Slidell. } No. 7686.

Be it remembered that, in the United States district court for the eastern district of Louisiana, at a lawful term thereof, begun and holden at New Orleans in said district, by his honor Edward H. Durell, judge thereof, in the year (1863) eighteen hundred and sixty-three, and on the 15th day of September of said term, and in the regular course of proceedings in said court thereafter, and also at a regular term of said court, begun and holden at New Orleans, in said district, by his honor Edward H. Durell, judge thereof, in the year eighteen hundred and sixty-four, at the February term thereof, and on the 18th day of April of said term last aforesaid, and in the regular course of proceedings in said court thereafter, and also at a regular term of said
57 court, begun and holden at New Orleans, in said district, by his honor Edward H. Durell, judge thereof; and in the year eighteen hundred and sixty-five, at the February term thereof, and on the 18th, 24th, and 27th days of March of said term last aforesaid, and in the regular course of proceedings in said court thereafter, and also at a regular term of said court, begun and holden at New Orleans, in said district, by his honor Edward H. Durell, judge thereof, in the year eighteen hundred and sixty-five, at the May term thereof; and on the 19th and 25th days of July of said term last aforesaid, and in the regular course of proceedings in said court thereafter, and also at a regular term of said court, begun and holden at New Orleans, in said district, by his honor Edward H. Durell, judge thereof, in the year eighteen hundred and sixty-six, at the May term thereof; and on the 21st day of May of said term last aforesaid, and in the regular course of proceedings in said court thereafter, the following proceedings in
58 the case of The United States vs. 844 Lots and 10 Squares of Ground, the property of John Slidell, and No. 7686 of the docket of said court were had and taken:

Libel of information, filed September 15th, 1863. To the honorable Edward H. Durell, judge of the district court of the United States for the eastern district of Louisiana.

The libel of information of Rufus Waples, attorney of the United

States of America for the eastern district of Louisiana, who prosecutes for the said United States in this behalf; and being here present in court, in his own proper person, in the name and behalf of the said United States of America, against the "estate, property, money, stocks, credits, and effects" hereinafter described, and against all persons intervening for their interest therein, in a case of seizure and forfeiture, alleges, propounds, and declares as follows:

I. That James Graham, esq., marshal of the United States for the said district, under written authority given him by the said attorney, in compliance with instructions issued by the Attorney-General of
59 the United States to the district attorneys thereof, and by virtue of the act of Congress approved on the 17th day of July, in the year of our Lord 1862, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," heretofore, that is to say, on the 15th day of August, in the year of our Lord one thousand eight hundred and sixty-three, seized as forfeited to the said United States, at New Orleans, within said district, and within the jurisdiction of this court, the following-described properties, together with all the buildings and improvements thereon.

Description of property of John Slidell.

Real estate in the name of John Slidell.

(B. 11, fo. 591.) Two lots of ground, with the buildings thereon, in faub. St. Mary, designated by the Nos. 5 and 6, on a plan drawn by the city surveyor and deposited in the office of G. R. Stringer, no-
60 tary, on the 3rd March, 1830. Said lots measure each 22 feet 6 inches and 2 lines, front on Common street, between St. Charles and Camp streets, and 22 feet 6 inches 1 line on the rear, said lot No. 5 having in depth 109 feet 6 inches and 6 lines on the line which separates it from lot No. 4, and 110 feet 1 & ½ line on the line which separates it from lot No. 6; and said lot No. 6 has in depth 110 feet 1 inch & ½ line on the line of lot No. 5, and 110 feet 9 inches & 3 lines on the line of lots Nos. 7 and 11 on said plan; acquired from Horace C. Cammack and Thomas Dixon, by act before William Christy, notary, dated 21st February, 1833.

(B. 26, fo. 208.) A lot of ground situated in the faubourg St. Mary, in St. Charles street, between Common and Gravier streets, designated by the No. 3 on a plan by L. J. Pelié & Springbelt, 22nd December, 1838, and deposited on plan No. 58 in the office of Felix Grima, notary, measuring, American measure, 20 feet 10 inches front on St. Charles street, by 60 feet 8 inches deep on line of No. 2, 59 feet 10 inches on line of No. 4, and 20 feet 5 & ½ inches in the rear, with the buildings and im-
61 provements thereon; also, the use of the yard in common to it and other lots; acquired from Richard Owen Pritchard, syndix of his creditors, by act before F. Grima, notary, dated 9th of March, 1839.

(B. 26, fo. 209.) The lot of ground No. 4 on the foresaid plan, measuring, in American measure, 20 feet 10 inches front on St. Charles street, between Common and Gravier streets, by 59 feet 10 inches deep on the line of lot No. 3, 59 feet on the line towards Gravier street, separating it from property of Ambrose Laufear, and 20 feet 7 inches in width in the rear, with the buildings thereon; acquired as follows: By Henry R. Denis and John Slidell, jointly, from R. O. Pritchard, syndic of his creditors, by act dated the 9th March, 1839, before F. Grima, notary.

(B. 38, fo 663.) And by act before A. Mazereau, notary, dated 18th March, 1846, the said H. R. Denis conveyed his individual half of said lot No. 4 unto the said John Slidell.

(B. 35, fo. 591.) Two lots of ground, designated by the Nos. 7 or 8 on a plan drawn by M. Harrison, on the 20th February, 1844, in
62 the square bounded by Philippa, Circus, Perdido, and North Poydras streets, measuring, English measure, each 23 feet front on North Poydras street, by a depth of 53 feet 11 inches 2 lines, between parallel lines, with all the buildings and improvements thereon; acquired from the New Orleans and Carrolton R. R. C'y, by act before L. Hermann, notary, dated 30th May, 1844.

I, , register of conveyances, certify that from the records in my office it appears that the foregoing-described properties stand recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the 1st January, 1860, up to the present date.

New Orleans, September 8th, 1863.

(Signed) FELIX McCULLOCH,
Register.

Real estate in the name of John Slidell.

(B. 13, fo. 640.) Two lots, Nos. 20 and 21, on a plan drawn by Joseph Pelié, city surveyor, dated 31st December, 1833, and annexed to
63 an act of even date in the office of William Christy, notary. Said lots measure each 24 feet 2 inches and 3 lines front on Levee street, and 24 feet 5 inches and 2 lines front on Clinton street. No. 20 measures 87 3 inches and 6 lines on the lower side, running through from one to the other of said streets, and 90 feet 10 inches and 3 lines on the upper side, line dividing it from said lot No. 21, running through from one to the other of said states. No. 21 measures 94 feet 5 inches on the upper side line, and also running through from one of said streets to the other, all American measure; acquired from the
Slidell and Pritchard. United States of America by act before the said William Christy, dated 29th January, 1834, as follows, viz: The undivided two-thirds by John Slidell, and the undivided one-third by Richard O. Pritchard.

(B. 20, fo. 361.) And, by act before Felix Grima, notary, dated 28th May, 1836, the said R. O. Pritchard sold unto the said
Pritchard to Slidell. John Slidell his undivided one-third part of the said lots Nos. 20 and 21.

64 (B. 7, fo. 533.) All that lot of ground, with the buildings and improvements thereon, situated on the northeast part of
Slidell and Elkins. Custom-House street, between Chartres and Levee streets, measuring 29 feet 1 inch and upwards, front, on said Custom-House, by 100 feet deep, bounded on one side by the property of J. R. Wolff, and on the other by that of W'm Rousau; acquired by John Slidell and Harry Elkins, in the proportion of two undivided thirds, part by the said John Slidell, and one undivided third part by the said Harry Elkins, by act before William Christy, notary, dated the 4th June, 1831, from Joseph D. Beers.

(B. 9, fo. 361.) And, by act before William Christy, notary, dated 27th February, 1832, the said Harvey Elkins sold his undivided
Elkins to Slidell. on'-third part of the above-described property.

(B. 16, fo. 109.) The lot No. 5, on a plan drawn by Joseph Pillié, city surveyor, dated 4th April, 1834, annexed to a sale made by the hereinafter named vendors to Manuel de Lizardi, at page 161 of the current register of B. W. Miller, not., and measures 22 feet front on Royal
65 street, by 95 feet 4 inches and 4 lines deep, between parallel lines, American measure, with all the buildings thereon.

Acquired from Messers. Mathew Morgan, Richard O. Pritchard, and James W. Zacharie, by act before B. W. Miller, notary, dated 23rd April, 1834.

I, , register of conveyances, certify that from the records in my office it appears that the foregoing-described properties stand recorded in the name of John Slidell, and that it does not appear from said records that he has *not* alienated the same since the first of January, 1860, up to the present date.

New Orleans, September 7th, 1863.

(Signed) FELIX McCULLOCH,
Register.

(B. 1, fo. 340.) Three lots of ground, with the improvements thereon, situate in faubourg Lafayette, and designated by the Nos. 5, 6, & 7, in square No. 10 on the original plan of said suburb, drawn by Joseph Pilié, city surveyor, on the 2nd March, 1824, and deposited in the office of C. Pollock, notary, and measuring, viz:

66 No. 5. 59 feet 9 inches front on Josephine street, by 120 feet deep. No. 6. 60 feet front on Josephine street, by 120 feet deep, bounded above by lot No. 5 and below by lot No. 7.

And No. 7. 60 feet front on Josephine street, by 120 feet deep, and front on Jersey street, all French measure.

Acquired from Richard M. Carton by act before H. B. Cenas, notary, dated 5th February, 1835.

(B. 3, fo. 46.) By act before Felix Grima, notary, dated the 4th December, 1837.

John Slidell acquired from Mrs. Emilie Toutant, widow of the late John Poultney, jr., and Mrs. Mathilde Poultney, sole heirs and representatives of the said late John Poultney, junior, all their right, title, and interest, claim and demand, of what nature or claim soever, which they may have in and to and against the hereinbefore-described property, as sole heirs and representatives of said late John Poultney, jr.

I, , register of conveyances, certify that from the records
67 in my office it appears that the foregoing-described properties stand recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the 1st of January, 1860, up to this date.

New Orleans, September 8th, 1863.

(Signed) FELIX McCULLOCH,
Register.

Real estate in the name of John Slidell.

(B. 15, fo. 521.) Two lots of ground, with the buildings thereon, situate in the square bounded by Camp, Magazine, Gravier, and Natchez streets, designated as lots No'. 8 and 9, on a plan drawn by C. F. Zimpel, on the 21st January, 1835, and measures, viz:

No. 8. 21 feet 8 inches front on Camp street, by 70 feet 11 inches deep on the side-line next to lot No. 7, and 70 feet 10 inches deep onthe side-line dividing it from lot No. 9;

And No. 9. 21 feet 8 inches front on Camp street, and 70 feet 9 inches deep on the side-line of lot No. 10; all American measure.

Acquired from Charles A. Jacobs and Samuel Elkins, by act before W'm Christy, notary, dated 4th Feb'y, 1835.

68 I, , register of conveyances, certify that from the records in my office it appears that the foregoing-described property stands recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the 1st January, 1860, up to the present date.

New Orleans, September 8th, 1863.

(Signed) FELIX McCULLOCH,
Register.

Real estate belonging to John Slidell.

(B. 34, fo. 401.)

1°. A portion of ground, No. 69, forming part of the square bounded by Rocheblave, Venus, Dorgenois streets and Turnpike road; said portion devided into (10) ten lots, Nos. 1 to 10.

2°. A portion of ground, No. 70, forming part of square bounded by Rocheblave, Euphrosine, Dorgenois, and Venus streets; said portion divided into twelve lots, Nos. 1 to '2.

3°. A portion of ground, No. 71, having the form of a triangle, forming part of the square bounded by Rocheblave, Calli'pe, Dor-
69 genois, and Euphrosine streets; said portion measuring 93 feet 9 inches 5 lines front on Euphrosine street, 202 feet 11 inches and 2 lines front on Dorgenois street, and 223 feet 6 inches 6 lines in the rear.

No. . A portion of ground, composed of lot No. 6 and part of lot No. 5, in the parcel of land No. 74, No. 6 being of a triangular form, and having 223 feet 7 inches on Clio street, 234 feet 4 inches and 6 lines on the line of the faubourg Lafayette, and 71 feet 2 inches 7 lines on the other side-line, and that part of lot No. 5, which adjoins lot No. 6, and measures 32 feet front on Clio street, and 71 feet 2 inches 7 lines deep, the line closing in the rear; said parcel of ground being of a triangular form.

5°. The entire lots, Nos. 11 to 33, inclusive, and the rear part of lots, numbered from 3 to 10, inclusive, and the No. 34 of square No. 75, bounded by Dorgenois, Broad, Clio, and Calliope streets, this portion of the square purchased by Slidell being divided by a line which separates the same from the front part of the other lots in the same square purchased by Emile Laseré.

6°. The square No. 76, bounded by Dorgenois, Calliope,
70 Broad, and Euphrosine streets, divided in 34 lots, number 1 to 34.

7°. The square No. 77, bounded by Dorgenois, Euphrosine, Broad, and Venus streets, divided into 34 lots, Nos. 1 to 34.

8°. The square No. 79, bounded by Broad, Venus, and Sixth streets, and the Turnpike road, divided in 34 lots, Nos. 1 to 34.

9°. The square No. 80, bounded by Broad, Euphrosine, Venus, and Sixth streets, containing 38 lots, Nos. 1 to 38.

10°. The square No. 81, bounded by Broad, Calliope, Sixth, and Euphrosine streets, containing 38 lots, Nos. 1 to 38.

11°. A portion of ground, No. 82, bounded by Calliope, Broad, and Sixth streets, and the line of the suburb Layfa'ette, containing 23 lots, Nos. 1 to 23.

12°. A portion of ground, No. 83, bounded by Calliope, Sixth, and Fifth streets, and the line of the faubourg Lafayette, containing 5 lots, Nos. 1 to 5.

13°. The square No. 84, bounded by Sixth, Calliope, Fifth, and Euphrosine streets, containing 22 lots, Nos. 1 to 22.

14°. The square No. 85, bounded by Sixth, Fifth, Euphrosine, and Venus streets, containing 22 lots, Nos. 1 to 22.

15°. The square No. 86, bounded by Sixth, Venus, Fifth streets,
71 and Turnpike road, containing 22 lots, Nos. 1 to 22.

16°. The square No. 87, bounded by Fifth, Venus, Fourth streets, and the Turnpike road, containing 22 lots, Nos. 1 to 22.

17°. The square No. 88, bounded by Fifth, Euprosine, Fourth, and Venus streets, containing 22 lots, Nos. 1 to 22.

18°. The square No. 89, bounded by Fifth, Euphrosine, and Fourth streets, on three sides, and on the fourth side, or line, which is irregular, partly by Calliope street and partly by the line of faubourg Lafayette, which square contains 22 lots, Nos. 1 to 22.

19°. A small portion of ground, of a triangular form, designated by the No. 90, bounded by Calliope street on one side, on another side by Fifth street, and on the third side by the line deviding it from the faubo'rg Lafayette.

20°. A portion of ground, No. 91, bounded by Fourth, Euphrosine, and Van Buren streets, and the line of the faubo'rg Lafayette, containing 15 lots, Nos. 1 to 15.

21°. The square No. 92, bounded by Fourth, Euphrosine, Van Buren, and Venus streets, containing 22 lots, Nos. 1 to 22.

72 22°. The square No. 93, bounded by Fourth, Venus, Van Buren, and Aglaé streets, containing 22 lots, No. 1 to 22.

23°. A portion of ground, No. 94, bounded by Fourth, Aglaé, and Van Buren streets, and the Turnpike road, containing 2 lots, Nos. 1 and 2.

24°. A portion of ground, No. 95, bounded by Van Buren, Aglaé, and Third streets, and the Turnpike road, containing 2 lots, Nos. 1 and 2.

25°. The square No. 96, bounded by Van Buren, Venus, Aglaé, and Third streets, containing 20 lots, Nos. 1 to 20.

26°. The square No. 97, bounded by Van Buren, Euphrosine, Third, and Venus streets, containing 20 lots, Nos. 1 to 20.

27°. A portion of ground, No. 98, bounded by Van Buren, Euphrosine, Third, and Venus streets, containing 9 lots, Nos. 1 to 9.

28°. A portion of ground, No. 99, bounded by Van Buren, Euphrosine, and Third streets, and the line of the faubourg Layfa'ette.

29°. The square No. 100, bounded by Third, Euphrosine, Venus, and Second streets, containing 24 lots, Nos. 1 to 24.

30°. The square No. 101, bounded by Third, Venus, Second, and Aglaé streets, containing 24 lots, Nos. 1 to 24.

73 31°. A portion of ground, No. 102, bounded by Third, Aglaé and Second streets, and the Turnpike road, containing 10 lots, Nos. 1 to 10.

32°. A portion of ground, No. 103, bounded by Second and Aglaé streets, St. John avenue, and the Turnpike road, containing 10 lots, No. 1 to 10.

33°. The square No. 104, bounded by Aglaé, Second, and Venus streets, and St. John avenue, containing 24 lots, Nos. 1 to 24.

34°. A portion of ground No. 105, bounded on the first side by Second street, on the second by Venus street, on the third by St. John avenue, and on the fourth partly by Euphrosine street, partly by the line of the faubourg Lafayette, and by line deviding it from other property, said portion being devided into 20 lots, Nos. 1 to 20.

35°. A portion of ground No. 106, bounded by St. John avenue, Venus, and Violette streets, and on the other side by the line of other property, containing 8 lots, No'. 1 to 8.

36°. The square No. 107, bounded by St. John avenue, Aglaé, Violet, and Venus streets, containing 2 lots, No'. 1 to 2.

74 37°. The square No. 108, bounded by St. John avenue, Aglaé, and Violet streets, and the Turnpike road, containing 15 lots, Nos. 1 to 15.

38°. A portion of ground No. 109, bounded by Violet, Venus, Lemon streets and the Turnpike road, containing 18 lots, Nos. 1 to 18.

39°. The square No. 110, bounded by Violet, Venus, Lemon, and Aglaé streets, containing 22 lots, Nos. 1 to 22.

40°. A portion of ground, of a triangular form, designated by the No. 111, bounded by Venus and Violet streets on two sides, and on the other by the dividing-line of property, belonging to .

41°. A portion of ground No. 112, bounded by Aglaé streets on one side, and on the other side by Lemon street, on one side partly by Mulberry street and partly by the line dividing it from the property of D. Walden, which line is irregular, and on the other side by property belonging to , said portion contains 14 lots, Nos. 1 to 14.

42°. The square No. 113, bounded by Lemon, Aglaé, and Mulberry streets, and the Turnpike road, containing 18 lots, Nos. 1 to 18.

75 43°. A portion of ground No. 114, bounded by Mulberry and Aglaé streets, the Turnpike road, and the property of the said D. T. Walden, containing 4 lots, Nos. 1 to 4.

44°. And a small portion of ground, of triangular form, designated by the No. 115, bounded by Aglaé and Mulberry streets, and the aforesaid property of D. T. Walden.

The whole according to a plan drawn by Joseph Pilié, dated 20th July, 1840, and deposited in the office of A. Mazareau, notary, in this city.

The above-described properties were acquired from John Morgan Hall, by act before A. Mazareau, dated 8th August, 1843.

I, register of conveyances, certify that from the records in my office it appears that the foregoing-described properties stand recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the 1st January, 1860, up to the present date.

New Orleans, September 8th, 1863.

(Signed) FELIX McCULLOCH,
Register.

76 Real estate in the name of John Slidell.

(B. 2, fo. 398.) A piece or lot of ground lying on the batture in front of the suburb St. Mary, designated by the No. 9 on a plan of said lot and others made by Joseph Pilié, city surveyor, dated 12th January, 1822, annexed to an act of deposit made by W. & J. Montgomery and others, before G. R. Stringer, notary, dated 7th February, 1823, having

40 feet on the south side of the continuation of Delord street, which extends from Tchoupitoulas to New Levee streets, 42 feet 4 inches in the rear, where it is bounded by the dividing-lines of the suburbs St. Mary and Delord; measuring on the eastern side, where it is bounded by lot No. 8, 137 feet; and on the next side, on which it is bounded by the lot No. 10, 133 feet 9 inches, with all the improvements and tenements thereon.

Acquired from Samuel Kohn by act before H. K. Gordon, notary, dated 23rd January, 1828.

(B. 19, fo. 181.) Five lots situate on the batture in front of the suburb St. Mary, designated by the Nos. 55, 56, 57, 58, and 60 on an
77 original plot, made by Joseph Pilié, in the month of May, 1826, deposited in the office of C. Pollock, notary, with the buildings thereon, said lots having English measure, viz, No. 55 and 58 each, 21 feet 8 inches front on South Market street, by 58 feet 1 inch deep. Nos. 56 and 57 each 21 feet 8 inches front on Delord street by 58 feet 1 inch deep, and No. 60, 24 feet front on the line of Levee street, and extending in depth 65 feet 10 inches on the upper line, the lateral lines running parallel, and having 23 feet 2 inches width in the rear, where it is bounded by lot No. 58.

J. Slidell and Thomas Dixon. Acquired by John Slidell and Thomas Dixon jointly from Henry Grant, by act before C. Pollock, notary, dated 8th of April, 1836.

(B. 19, fo. 436.) A lot of ground situate on the batture in front on the suburb St. Mary, in the square bounded by South Market, Delord, Levee, and Tchoupitoulas streets, designated by the No. 59 on a plan made by Joseph Pilié, in May, 1826, and deposited in the office of C. Pollock, notary, on the 3rd of June, 1828, and having, English meas-
78 ure, 24 feet 2 inches front on Levee street, 52 feet 11 inches deep and front on South Market sreet, 59 feet 5 inches deep on the upper side, where it is bounded by the line dividing it from the lot No. 60, and 23 feet 4 inches width in the rear, where it is bounded by the dividing-line of the lot No. 58, with the buildings and improvements thereon.

Slidell and Dixon. Acquired jointly by the said John Slidell & Thomas Dixon from Paul Tulane, by act before the said C. Pollock, notary, dated 26th May, 1836.

(B. 39, fo. 320.) By act before H. B. Cenas, notary, dated 21st October, 1845, John Slidell acquired from the Union Bank of Louisiana the undivided half part of the above-described six lots of ground, Nos. 55, 56, 57, 58, 59, and 60.

NOTA.

(B. 21, fo. 541.) By act before Horatio Davis, notary, dated 10th April, 1837, Thomas Dixon sold to Horace C. Cammack the undivided half of the said five lots, Nos. 55, 56, 57, 58, and 60.

(B. 26, fo. 23.) By act before Felix Grima, notary, dated 22 Nov., 1838, John Slidell and Horace C. Cammack sold unto Thomas Dixon the
79 above-described six lots, Nos. 55, 56, 57, 58, 59, and 60.

(B. 27, fo. 186.) By act before Felix Grima, notary, dated 24th April, 1840, Thomas Dixon retroceded unto John Slidell the undivided half part of the said six lots, Nos. 55, 56, 57, 58, 59, and 60.

The title by which H. C. Cammack became owner of the undivided half of lot No. 59 is not recorded. The title by which the Union Bank of Louisiana became owner of the undivided half of the said lots, Nos. 55, 56, 57, 58, 59, and 60, is not recorded.

(B. 44, fo. 32.) A lot of ground situate in the suburb St. Mary, designated by the No. 2 on a plan annexed to an act, passed before A. Mazereau, notary, dated 9th June, 1836, said lot measuring 22 feet 3 inches front on Delord street, between New Levee and Tchoupitoulas streets, by 58 feet 1 inch deep, between parallel lines, American measure.

Acquired from Mrs. Virginia Wilkinson Foster, wife of William Thomas Thompson, by act before Felix Grima, notary, dated 11th May, 1842.

80 I, , register of conveyances, certify that from the records in my office it appears that the following-described properties stand recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the 1st January, 1860, up to the present date.

New Orleans, September 8th, 1863.

(Signed) FELIX McCULLOCH,
Register.

Real estate in the name of John Slidell.

(B. 22, fo. 228.) By act before Felix Grima, notary, dated 24th December, 1836, John Slidell, jointly with James Peter Freret, acquired 12 lots of ground situate in the square bounded by Philippa, Hevia, Baronne, and Poydras streets, designated by Nos. 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, on a plan marked A, drawn by Joseph Pilié, dated 20th February, 1832, and annexed to an act before F. de Armas, notary, dated 10 March, 1832, which purchase was made from Thomas Banks.

(B. 28, fo. 51.) By act before the said F. Grima, notary, dated 30th January, 1840, the said John Slidell and James P. Freret have made
81 a partition of the said twelve lots of ground, by which the said John Slidell become the sole owner of the said lots No. 25, 26, 29, and 30, measuring, according to the said plan A, viz:

Nos. 25 and 26, each 26 feet 8 inches in front on Hevia street, 26 feet 8 inches two lines in the rear, by 108 feet deep. Nos. 29 and 30, each 27 feet front on Baronne street, by 106 feet 11 inches 4 lines deep.

(B. 84, fo. 66.) On the 6th of June, 1857, the said John Slidell has leased unto David H. Fowler for a period of five years from the 15th of June, 1858, the above-described four lots of ground, and on the 15th November, 1859, the said Slidell and Fowler have extended the said lease for a period of five years from the 15th June, 1863, which lease and extension were recorded on the 5th day of April, 1860.

I, , register of conveyances, certify that from the records in my office it appears that the within-described property stands recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the 1st of January, 1860, than by
82 the lease within mentioned.

New Orleans, September 8th, 1863.

FELIX McCULLOCH,
Register.

Real estate in the name of John Slidell.

(B. 51, fo. 521.) By act before O. H. Perry, notary, dated 8th May, 1850, John Slidell acquired from the New Orleans Canal and Banking Company, Samuel Kohn, and Laurent Millandon, the nineteen undivided

twentieth parts of and in to all and singular the following-described squares and lots of ground, to wit:

1°. The square No. 10, bounded by Cortez, Gravier, St. John, and Julia streets, containing 23 lots, Nos. 1 to 23, according to a plan drawn by Louis Surgi, surveyor, dated 25th of April, 1849, and deposited in the office of said notary.

2°. The square No. 12, bounded by Lopez, Cortez, Salcedo, and Carondelet walk, containing six lots, Nos. 1 to 6.

3°. Twenty-four lots, Nos. 1 to 24, in the square No. 14, bounded by Salcedo, Jackson, Gayoso, and Canal streets, constituting the whole
83 of said square, with the exception of the fractional triangle lying at the corner of Salcedo and Jackson streets.

4°. The square No. 15, bounded by Salcedo, Custom-house, Gayoso, and Canal streets, containing 24 lots, Nos. 1 to 24.

5°. The square No. 16, bounded by Salcedo, Custom-house, Bienville, and Gayoso streets, containing 20 lots, Nos. 1 to 20.

6°. The square No. 29, bounded by Dupré, White, Jackson, and Canal streets, containing 24 lots, Nos. 1 to 24.

7°. Thirteen lots, Nos. 1 to 13, in square No. 44, bounded by Dorgenoy, Jackson, Broad, and Canal streets, said lots measuring, viz:

Nos. 1, 6, 7, 8, 9, 10, 11, 12, and 13, each 35 feet 6 inches 3 lines front on Broad street, by 110 feet deep, between parallel lines.

Nos. 2 and 3, each 30 feet front on Canal street, by 159 feet 10 inches 3 lines deep.

No. 4 has 65 feet 6 inches 7 lines front on Canal street, by 159 feet 10 inches 3 lines deep on the line of lot No 3, and 169 feet 6 inches
84 2 lines and ½ deep on the line of No. 5.

No. 5 has 8 feet 3 lines on Jackson street, by 159 feet 10 inches 3 lines on the side of Nos. 6, 7, 8, and 9, and 169 feet 6 inches 2 and ½ lines on the other line, and 71 feet 10 inches and 5 lines on the rear line, as per plan drawn by L. Surgi, surveyor, dated 31st December, 1849, and deposited in the office of said notary. Assessed: Broad street, 315 and 230, lots Nos. 1, 6, 7, 8, 9, 10, 11, 12, and 13, form together 315 feet front on Broad street.

(B. 54, fo. 611.) By act before O. H. Perry, notary, dated 10th May, 1851, John Slidell acquired from the New Orleans Canal and Banking Company, Samuel Kohn, and Laurent Millandon, the nineteen undivided twentieth parts belonging to the said vendors in and to the square No. 21, bounded by Gayoso, Jackson, Duprez, and Canal streets, containing 24 lots, Nos. 1 to 24, according to the above-mentioned plan.

All the above described squares and lots of ground *from back* of the back concession lying in this parish of that tract of land or plan-
85 tation, situated in the parish of Jefferson, generally known as "Macarty's plantation," and belonging to the said vendors and vendee, in the following several proportions, and by means of the several purchases, viz:

The undivided $\frac{10}{20}$ths parts thereof to the said New Orleans Canal and Banking Company by purchase from Mr. Charles Bemy. Lanusse, by act before G. R. Stringer, notary, dated 19th December, 1831.

The undivided $\frac{5}{20}$ths parts thereof to the said S. Kohn, by joint purchase with Bernard Marigny, by act before L. T. Caire, notary, dated 31st April, 1831.

(B. 8, fo. 712.) And the undivided $\frac{4}{20}$ths parts to said L. Mellandon, and the undivided $\frac{1}{20}$ part to said John Slidell, by joint purchase from B. Marigny, by act before L. T. Caire, notary, dated 22nd September, 1831.

I, , register of conveyances, certify that from the records in my office it appears that the foregoing-described properties stand recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the year 1860 up to the present date.

86 New Orleans, 8th September, 1863.

(Signed) FELIX McCULLOCH,
Register.

II. That John Slidell is and was on the 17th day of July, 1862, and previously thereto had been, the owner of the above-described property.

III. That certain States, forming a part of the territory and constituting a part of the United States of America, and specifically enumerated by the President of the United States in his proclamation, duly issued and bearing date the first day of July, A. D. eighteen hundred and sixty-two, are now engaged, and were at the time said proclamation was issued engaged, and have since continued to be engaged, *and have since continued to be engaged*, in armed rebellion against the lawful authority of the United States.

IV. That by the act of Congress of the United States, approved the seventeenth day of July, in the year of our Lord one thousand eight hundred and sixty-two, entitled "An act to suppress
87 insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," provision was made for the seizure and confiscation of the property of persons engaged in armed rebellion against the lawful authority of the United States and of other persons, as therein set forth.

V. That the said John Slidell, subsequently to said seventeenth of July, in the year of our Lord one thousand eight hundred and sixty-two, did act as a foreign minister, or as a commissioner, or as a counsel of the so-called Confederate States of America, or that while owning property in a loyal State or Territory of the United States, or of the District of Columbia, he did give aid and comfort to the rebellion against the United States, and did assist such rebellion.

VI. That the said John Slidell, subsequently to the seventeenth day of July, in the year of our Lord one thousand eight hundred and
88 sixty-two, did act as governor of a State, or as a member of a convention, of legislature, or as judge of a court of one of the so-called Confederate States of America, to wit, the State of Louisiana, or did hold an office in the so-called Confederate States of America, after having held an office of trust or profit in the United States, or did hold an office or agency under government of the so-called Confederate States of America, or under one of the States thereof, said office being national, State, or municipal in its name and character, which said office or agency he accepted after the date of the pretended ordinance of secession of the State of Louisiana; that he did take an oath of allegence to or to support the constitution of the so-called Confederate States.

VII. That the said John Slidell, subsequently to said seventeenth day of July, in the year of our Lord one thousand eight hundred and sixty-two, within a State or Territory of the United States, was engaged
89 in armed rebellion against the Government of the United States, and did not, within sixty days after public warning and proclamation duly given and made by the President of the United States, on the twenty-fifth day of July, in the year of our Lord eighteen hundred and

sixty-two, cease to aid, countenance, and abet such rebellion, and return to his allegiance to the United States.

VIII. That the said John Slidell, subsequently to said seventeenth day of July, in the year of our Lord one thousand eight hundred and sixty-two, within a State or Territory of the United States, was engaged in aiding and abetting an armed rebellion against the Government of the United States, and did not, within sixty days after public warning and proclamation duly given and made, on the twenty-fifth day of July, in the year of our Lord eighteen hundred and sixty-two, by the President of the United States, cease to aid, countenance, and abet such re-
90 bellion, and return to his allegiance to the United States.

IX. That by reason of the premises, the property herein described, and all the right, title, and interest, and estate of said John Slidell herein became and was forfeited to the United States, and ought to be condemned to their use.

Wherefore the said attorney, in the name and behalf of the United States of America, prays that process of monition may issue against the said property and the owner and owners thereof, and against all persons interested or claiming an interest therein, warning them at some early day, to be therein named, to appear and answer this libel of information; and that order of publication may be made in the usual form, and that the court may grant such further and other relief as to law and justice may appertain, and as this court is competent to give in the premises, and that, after due proceedings had, the same may be condemned and forfeited to the use of the
91 United States of America, and he prays for general relief.

(Signed) RUFUS WAPLES,
U. S. District Att'y for the Eastern District of La.

Order of publication.

United States district court for the eastern district of La.

144	UNITED STATES *vs.* LOTS AND 10 SQUARES OF GROUND, THE property of John Slidell.	No. 7686.

Whereas certain lots and squares of ground, fully described in the libel filed by the district attorney, and now of record in this court, together with all the improvements, buildings, rights, privileges, appurtenances, and other hereditaments to the same belonging, or in any wise appertaining, and all the right, title, and interest of John Slidell therein, has been seized by the marshall of the United States for the eastern district of Louisiana, by virtue of an act of Congress, approved on the seventeenth day of July, in the year of our Lord one
92 thousand eight hundred and sixty-two, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes;" and whereas the United States attorney for the eastern district of Louisana did, on the 15th day of September, A. D. 1863, file a libel of information in this court, praying the condemnation of said property and real estate, under the act aforesaid, and that process of monition issue against the owner or owners of said property and real estate, and all persons interested or claiming an interest therein, warning them at some early day to appear and answer said information:

It is, therefore, on this 15th September, in the year of our Lord one thousand eight hundred and sixty-five, ordered, that notice be given to the owner and owners of said property and real estate, and all persons interested or claiming an interest therein, to appear and answer this
93 information on the fifth day of October, 1863, and show cause, if any they have, why said property and real estate, and the right, title, and interest therein of the said John Slidell, should not be condemned and sold, according to law; and that notice be given, by posting a copy of this order upon the front door of the court-house of the district, and by publication in the Era newspaper twice a week previous to said 5th day of October, A. D. 1863, the first publication to be on or before the 9th inst.

New Orleans, Sept. 15th, 1863.

(Signed) E. H. DURELL, *Judge.*

Admiralty warrant.—Filed October 3rd, 1863.

United States district court.

UNITED STATES
vs.
844 LOTS AND 10 SQUARES OF GROUND, THE property of John Slidell. } No. 7686.

The President of the United States of America, to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:

94 You are hereby commanded forthwith to seize and into your possession take the property, a full description whereof hereto annexed as a part of this writ, together with all the buildings, improvements, rights, privileges, and other hereditaments thereunto belonging, as well as all the right, title, and interest of John Slidell therein, now libelled by the United States for the causes set forth in the libel pending in district court of the United States for the eastern district of Louisiana; that you do cite and admonish the owner, or owners, and all and every other person or persons having, or pretending to have, any right, title, or interest in or to the same, to be and appear before a district court of the United States for the district aforesaid, to be holden at the city of New Orleans on or before the third Monday from the service hereof, to shew cause, if any they have, or can, why the said property should not be condemned and sold, agreeably to the prayer of libellant,
95, 96 and how you have executed this warrant, that you make return according to law.

Witness the honorable Edward H. Durell, judge of the said court at New Orleans, this 15th day of September, 1863, and the 88th year of the Independence of the United States.

(Signed) K. LOEW, *D'y Clerk.*

Marshal's return.

Received 16th Sept., 1863, and on the same day, in obedience to the within order of seizure, seized and took into my possession the within-described property, posted copies of the warrant, libel, and judge's order on the door of the court-house, published monition in the Era, a newspaper printed and published in New Orleans, on the 18, 23, 26, 30

September, 3d October, 1863, returnable 5th October, 1863. Returned 30th Oct., 1863.

(Signed) J. Q. A. HOYT,
Dep'y U. S. Marshal.

97 *Description of real estate annexed to, and made part of, admiralty warrant.*

Real estate in the name of John Slidell.

(B. 11, fo. 591.) Two lots of ground, with the buildings thereon, in faubourg St. Mary, designated by the Nos. 5 and 6, on a plan drawn by the city surveyor, and deposited in the office of G. R. Stringer, notary, on the 3d March, 1830.

Said lots measure each 22 feet 6 inches and 2 lines front on Common street, between St. Charles and Camp streets, and 22 feet 6 inches 1 line in the rear; said lot No. 5, having in depth 109 feet 6 inches and 6 lines on the line which separates it from lot No. 4, and 110 feet 1½ line on the line which separates it from lot No. 6; and said lot No. 6 has in depth 110 feet 1 inch and ½ line on the line of lot No. 5, and 110 feet 9 inches and 3 lines on the line of lots Nos. 7 and 11, on said plan.

98 Acquired from Horace C. Cammack and Thomas Dixon, by act before William Christy, notary, dated 21st February, 1833.

(B. 26, fo. 208.) A lot of ground situate in the faubourg St. Mary, in St. Charles street, between Common & Gravier streets, designated by the No. 3, on a plan by L. J. Pilié and Springbett, 22nd December, 1838, and deposited as plan No. 58, in the office of Felix Grima, notary, measuring, American measure, 20 feet 10 inches front on St. Charles street, by 60 feet 8 inches deep on line of No. 2, 59 feet 10 inches on line of No. 4, and 20 feet 5 and ½ lines in the rear, with the buildings thereon. Also the use of the yard in common to it and other lots.

Acquired from Richard Owen Pritchard, syndic of his creditors, by act before F. Grima, notary, dated 9th March, 1839.

(B. 26, fo. 209.) The lot of ground No. 4, on the aforesaid plan, measuring, in American measure, 20 feet 10 inches front on St. Charles
99 street, between Common and Gravier streets, by 59 feet on the line towards Gravier street, separating it from property of Amb. Lanfear, and 20 feet 7 inches in width in the rear, with the buildings thereon.

Acquired as follows:

By Henry R. Denis and John Slidell jointly from R. O. Pritchard, syndic of his creditors, by act dated the 9th March, 1839, before F. Grima, notary.

(B. 38, fo. 663.) And by act before A. Mazureau, notary, dated 18th March, 1846, the said H. R. Denis conveyed his undivided half of said lot No. 4 unto the said John Slidell.

(B. 35, fo. 591.) Two lots of ground designated by the Nos. 7 and 8, on a plan drawn by M. Harrison on the 30th February, 1844, in the square bounded by Philippa, Circus, Perdido, and North Poydras streets, measuring, English measure, each 23 feet front on North Poydras street, by a depth of 53 feet 11 inches 2 lines, between parallel lines, with all the buildings and improvements thereon.

100 Acquired from N. O. and Carrollton R. R. City, by act before L. Hermann, notary, dated 30th May, 1844.

I, , register of conveyances, certify that from the records in

my office it appears that the foregoing-described properties stand recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the 1st of January, 1860, up to the present time.

New Orleans, September 8th, 1863.

(Signed) FELIX McCULLOCH,
Register.

Real estate in the name of John Slidell.

(B. 13, fo. 640.) Two lots, Nos. 20 and 21, on a plan drawn by Jos. Pilié, city surveyor, dated 31st December, 1833, and annexed to an act of even date in the office of William Christy, notary; said lots measure each 24 feet 2 inches and 3 lines front on Levee street, and 24 feet 5 inches and 2 lines front on Clinton street; No. 20 measures 87 3 inches
101 and 6 lines on the lower side, running through from one to the other of said streets, and 90 feet 10 inches and 3 lines on the upper-side line, dividing it from said lot No. 21, running through from one to the other of said streets.

No. 21 measures 94 feet 5 inches on the upper-side line, and also running through from one of said streets to the other; all American measure.

88 Slidell and Pritchard. Acquired from the United States of America, by act before the said William Christy, notary, dated 29th January, 1834, as follows, viz:

The undivided two-thirds by John Slidell, and the undivided one-third by Richard O. Pritchard, B. 20, fo. 361, and by act before Felix Grima,

Pritchard and Slidell. notary, dated 28th May, 1836. The said R. O. Pritchard sold unto the said John Slidell his undivided one-third part of the said lots Nos. 20 and 21.

(B 7 fo. 533.) All that lot of ground, with the buildings and improvements thereon, situated on the northeast part

Slidell and Pritchard, and Elkins. 102 of Custom-house street, between Chartres and Levee streets, measuring 29 feet 1 inch and upward, front on said Custom-house street, by 100 feet deep, bounded on one side by the property of J. R. Wolff, and on the other by that of Wow. Rouzan.

Acquired by John Slidell and Harvey Elkins, in the proportion of two undivided third parts by the said John Slidell, and one undivided third part by the said Harvey Elkins, by act before William Christy, notary, dated the 4th June, 1831, from Joseph D. Beers.

(B. 9, fo. 361.) And by act before W'm Christy, notary, dated 27 Feb., 1832, the said Harvey Elkins sold unto the said John Slidell

Elkins to Slidell. his undivided one-third part of the above-described property.

(B. 16, fo. 109.) The lot No. 5, on a plan drawn by Joseph Pilié, city surveyor, dated 4th April, 1834, annexed to a sale made the
103 hereinafter-named vendors, to Manuel de Lizardi, at page 161 of the current register of B. W. Miller, notary, and measures 22 feet front on Royal street by 95 feet 4 inches 14 lines deep, between parallel lines, American measure, with all the buildings thereon.

Acquired from Messrs. Nathien Morgan, Richard O. Pritchard, and James W. Zacharie, by act before B. W. Miller, notary, dated 23rd April, 1834.

I, , register of conveyances, certify that from the records in my office it appears that the foregoing-described properties stand recorded in the name of John Slidell, and that it does not appear from said records

that he has alienated the same since the first January, 1860, up to the present date.

New Orleans, September 7th, 1863.

(Signed) FELIX McCULLOCH,
Register.

104 Real estate in the name of John Slidell.

(B 1, fo. 340.) Three lots of ground with the improvements thereon, situate in the faubourg Lafayette, and designated by the Nos. 5, 6, and 7, in square No. 10, on the original plan of said suburb, drawn by Joseph Pilié, city surveyor, on the 2nd March, 1824, and deposited in the office of C. Pollock, notary, and measuring, viz: No. 5, 59 feet 9 inches front on Josephine street, by 120 feet deep.

No. 6. 60 feet front on Josephine street by 120 feet deep and front on Jersey street; all French measure.

Acquired from Richard M. Carter by act before H. B. Cenas, notary, dated 5th February, 1835.

(B 3, fo. 46.) By act before Felix Grima, notary, dated the 4th December, 1837, John Slidell acquired from Mrs. Emilie Toutant,
105 widow of the late John Poultney, j'or, and Mrs. Matilda Poultney, sole heirs and representatives of the said late John Poultney, junior, all the right, title, and interest, claim, and demand, of what nature or kind soever, which they may have in and to and against the hereinbefore-described property, as sole heirs and representatives of said late John Poultney, junior.

I, , register of conveyances, certify that from the records in my office it appears that the foregoing-described properties stand recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the 1st of January, 1860, up to this date.

New Orleans, September 8, 1863.

FELIX McCULLOCH,
Register.

Real estate in the name of John Slidell.

106 (B. 15, fo. 521.) Two lots of ground, with the buildings thereon, situate in the square bounded by Camp Magazine, Gravier, and Natchez streets, designated as lots No. 8 and 9, on a plan drawn by C. F. Zimpel on the 21st January, 1835, and measures, viz:

No. 8. 21 feet 2 inches front on Camp street, by 70 feet 11 inches deep on the side-line next to lot No. 7, and 70 feet 10 inches deep on the side-line dividing it from lot No. 9.

And No. 9. 21 feet front on Camp street, and 70 feet 9 inches deep on the side-line of lot No. 10; all American measure.

Acquired from Charles H. Jacobs and Samuel Elkins, by act before William Christy, notary, dated 4th February, 1835.

I, , register of conveyances, certify that from the records in my office it appears that the foregoing-described property stands recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the 1st of January, 1860, up to the present date.

107 New Orleans, September 8th, 1863.

FELIX McCULLOCH,
Register.

Real estate belonging to John Slidell. (B. 34, fo. 401.)

1st. A portion of ground, No. 69, forming part of the square bounded by Rocheblave, Venus, Dorgenois streets and Turnpike road, said portion divided into (10) ten lots, Nos. 1 to 10.

2nd. A portion of ground, No. 70, forming part of square bounded by Rocheblave, Euphrosine, Dorgenois, and Venus streets, said portion divided into 12 lots, Nos. 1 to 12.

3d. A portion of ground, No. 71, having the form of a triangle, forming part of the square bounded by Rocheblave, Calliope, Dorgenois, and Euphrosine streets, said portion measuring 93 feet 9 inches 5 lines front on Euphrosine street, 202 feet 11 inches and 2 lines front on
108 Dorgenois street, and 223 feet 6 inches 6 lines in the rear.

4th. A portion of ground composed of lot No. 6 and part of lot No. 5 in the parcel of land No. 74, and No. 6 being of a triangular form, and having 223 feet 7 inches on Clio street, 234 feet 4 inches and 6 lines on the line of the faubourg Lafayette, and 71 feet 2 inches 7 lines on the other side-line, and that part of lot No. 5 which adjoins lot No. 6, and measures 32 feet front on Clio street, and 71 feet 2 inches 7 lines deep, the line closing in the rear; said parcel of ground being of a triangular form.

5th. The entire lots Nos. 11 to 33, inclusive, and the rear parts of lots numbered from 3 to 10 inclusive, and the No. 34, of square No. 75, bounded by Dorgenois, Broad, Clio, and Calliope streets; this portion of the square purchased by Slidell being divided by a line which separates the same from the front part of the other lots in the same square, purchased by Emile Laseré.

109 6th. The square No. 76, bounded by Dorgenois, Calliope, Broad, and Euphrosine streets, divided in 34 lots, numbered 1 to 34.

7th. The square No. 77, bounded by Dorgenois, Euphrosine, Broad, and Venus streets, divided into 34 lots, Nos. 1 to 34.

8th. The square No. 79, bounded by Broad, Venus, and Sixth streets, and the Turnpike road, divided in 34 lots, Nos. 1 to 34.

9th. The square No. 80, bounded by Broad, Euphrosine, Venus, and Sixth streets, containing 38 lots, Nos. 1 to 38.

10th. The square No. 81, bounded by Broad, Calliope, Sixth, and Euphrosine streets, containing 38 lots, Nos. 1 to 38.

11th. A portion of ground, No. 82, bounded by Calliope, Broad, and Sixth streets, and the line of the suburb Lafayette, containing 23 lots, Nos. 1 to 23.

12th. A portion of ground, No. 83, bounded by Calliope, Sixth, and Fifth streets, and the line of the faubourg Lafayette, containing 5 lots, Nos. 1 to 5.

110 13th. The square No. 84, bounded by Sixth, Calliope, Fifth, and Euphrosine streets, containing 22 lots, Nos. 1 to 22.

14th. The square No. 85, bounded by Sixth, Fifth, Euphrosine, and Venus streets, containing 22 lots, Nos. 1 to 22.

15th. The square No. 86, bounded by Sixth, Venus, Fifth streets, and Turnpike road, containing 22 lots, Nos. 1 to 22.

16th. The square No. 87, bounded by Fifth, Venus, Fourth streets, and the Turnpike road, containing 22 lots, Nos. 1 to 22.

17th. The square No. 88, bounded by Fifth, Euphrosine, Fourth, and Venus streets, containing 22 lots, Nos. 1 to 22.

18th. The square No. 89, bounded by Fifth, Euphrosine, and Fourth streets, on three sides, and on the fourth side or line, which is irregular, part by Calliope street and part by the line of faubourg Lafayette, which square contains 22 lots, Nos. 1 to 22.

19th. A small portion of ground, of a triangular form, designated by the No. 90, bounded by Calliope street on one side, on another
111 side by Fifth street, and on the third side by the line dividing it from the faubourg Lafayette.

20th. A portion of ground No. 91, bounded by Fourth, Euphrosine, and Van Buren streets and the line of the faubourg Lafayette, containing 15 lots, Nos. 1 to 15.

21st. The square No. 92, bounded by Fourth, Euphrosine, Van Buren, and Venus streets, containing 22 lots, Nos. 1 to 22.

22d. The square No. 93, bounded by Fourth, Venus, Van Buren, and Aglaé streets, containing 22 lots, Nos. 1 to 22.

23rd. A portion of ground No. 94, bounded by Fourth, Aglaé, and Van Buren streets, and the Turnpike road, containing 2 lots, Nos. 1 to 2.

24th. A portion of ground No. 95, bounded by Van Buren, Aglae, and Third streets, and the Turnpike road, containing 2 lots, Nos. 1 to 2.

25th. The square No. 96, bounded by Van Buren, Venus, Third, and Aglaé streets, containing 20 lots, Nos. 1 to 20.

26th. The square No. 97, bounded by Van Buren, Euphrosine,
112 Third, and Venus streets, containing 20 lots, Nos. 1 to 20.

27th. A portion of ground No. 98, bounded by Van Buren, Euphrosine, Third, and Venus streets, containing 9 lots, Nos. 1 to 9.

28th. A portion of ground No. 99, bounded by Van Buren, Euphrosine, and Third streets, and the line of the faubourg Lafayette.

29th. The square No. 100, bounded by Third, Euphrosine, Venus, and Second streets, containing 24 lots, Nos. 1 to 24.

30th. The square No. 101, bounded by Third, Venus, Second, and Algaé, streets, containing 24 lots, Nos. 1 to 24.

31st. A portion of ground No. 102, bounded by Third, Aglaé, and Second streets, and the Turnpike road, containing 10 lots, Nos. 1 to 10.

32d. A portion of ground No. 103, bounded by Second and Aglaé streets, St. John avenue, and the Turnpike road, containing 10 lots, Nos. 1 to 10.

33d. The square No. 104, bounded by Aglaé and Venus streets, and St. John avenue, containing 24 lots, Nos. 1 to 24.

113 34th. A portion of ground, No. 105, bounded on the first side by Second street, on the second by Venus street, on the third by St. John avenue, and on the fourth by Euphrosine street, partly by the line of the faubourg Lafayette, and partly by the line dividing it from the other property, said portion being divided into 20 lots, Nos. 1 to 20.

35th. A portion of ground, No. 106, bounded by St. John avenue, Venus, and Violette streets, and on the other side by the line of the other property, containing 8 lots, Nos. 1 to 8.

36th. The square No. 107, bounded by St. John avenue, Aglaé streets, Violet, and Venus streets, containing 2 lots, Nos. 1 to 2.

37th. The square No. 108, bounded by St. John avenue, Aglaé, and Violet streets, and the Turnpike road, containing 15 lots, Nos. 1 to 15.

38th. A portion of ground, No. 109, bounded by Violet, Venus, Lemon streets, and Turnpike road, containing 18 lots, Nos. 1 to 18.

39th. The square No. 110, bounded by Violet, Venus, Lemon, and Aglaé streets, containing 22 lots, Nos. 1 to 22.

114 40th. A portion of ground, of a triangular form, designated by the lot No. 111, bounded by Venus and Violet streets on two sides, and on the other by the dividing-line of property belonging to

41st. A portion of ground, No. 112, bounded by Aglaé street on one side, on another side by Lemon street, on one side partly by Mulberry street and partly by the line dividing it from the property of D. Walden, which line is irregular, and on the other side by property belonging to ; said portion contains 14 lots, Nos. 1 to 14.

42d. The square, No. 113, bounded by Lemon, Aglaé, and Mulberry streets, and the Turnpike road, containing 18 lots, Nos. 1 to 18.

43rd. A portion of ground, No. 114, bounded by Mulberry and Aglaé streets, the Turnpike road and the property of the said D. F. Walden, containing 4 lots, Nos. 1 to 4.

44th. And a small portion of ground, of a triangular form, designated by the No. 115, bounded by Aglaé and Mulberry streets, and the aforesaid property of D. F. Walden.

115 The whole according to a plan drawn by Joseph Pilié, dated 20th of July, 1840, and deposited in the office of A. Mazureau, notary, in this city. The above-described properties were acquired from John Morgan Hull by act before said A. Mazureau, notary, dated 8th August, 1843.

I, , register of conveyances, certify that from the records in my office it appears that the foregoing-described properties stand recorded in the name of John Slidell, and that it does not appear from said record that he has alienated the same since the 1st January, 1860, up to the present date.

New Orleans, September 8, 1863.

FELIX McCULLOCH,
Register.

Real estate in the name of John Slidell.

(B. 31 fo. 398.) A piece of ground lying on the batture in front of the suburb St. Mary, designated by the No. 9 on a plan of said lot and others made by Joseph Pilié, city surveyor, dated 12th January,

116 1822, annexed to an act of deposit made by W. and J. Montgomery and others before G. R. Stringer, notary, dated 7th February, 1823, having 40 feet on the south side of the continuation of Delord street, which extends from Tchoupitoulas to New Levee streets; 42 feet 4 inches in the rear, where it is bounded by the dividing-line of the suburbs St. Mary and Delord; measuring on the eastern side, where it is bounded by lot No. 8, 137 feet; and on the next side, on which it is bounded by the lot No. 10, 133 feet 9 inches, with all the improvements and tenements thereon. Acquired from Samuel Kohn by act before H. K. Gordon, notary, dated 23d January, 1828.

(B. 19, fo. 181.) Five lots situate on the batture on front of the suburb St. Mary, designated by the Nos. 55, 56, 57, 58, and 60 on an original plot, made by Joseph Pilié, in the month of May, 1826, deposited in the office of C. Pollock, notary, with the buildings thereon.

Said lots having, English measure, viz, Nos. 55 and 58 each, 21

117 feet 8 inches front on South Market street, by 58 feet 1 inch deep; Nos. 56 and 57 each 21 feet 8 inches front on Delord steet by 58 feet 1 inch deep; and No. 60 24 feet front on the line of Levee street, and extending in depth 65 feet 10 inches on the upper line, the latteral lines running parallel, and having 23 feet 2 inches width in the rear, where it is bounded by lot No. 58.

J. Slidell and Tho's Dixon. Acquired by John Slidell and Thomas Dixon jointly from Henry Grant, by act before C. Pollock, notary, dated 8th April, 1836.

(B. 19, fo. 436.) A lot of ground situate on the batture in front of the suburb St. Mary, in the square bounded by South Market, Delord, Levee, and Tchoupitoulas streets, designated by the No. 59 on a plan made by Joseph Pilié, in May, 1826, and deposited in the office of C. Pollock, notary, on the 3d June, 1828, and having, English measure, 24 feet 2 inches front on Levee street, 52 feet 11 inches deep and front on South Market street, 59 feet 5 inches deep on the upper line where it is
118 bounded by the line dividing it from the lot No. 60, and 23 feet 4 inches width in the rear, where it is bounded by the dividing-line of the lot No. 58, with the buildings and improvements thereon.

Acquired jointly by the said John Slidell and Thomas Dixon from Paul Tulane, by act before the said C. Pollock, notary, dated 26th May, 1836.

(B. 39, fo. 230.) By act before H. B Cenas, notary, dated 21st October, 1845, John Slidell acquired from the Union Bank of Louisiana the undivided half part of the above-described six lots of ground, Nos. 55, 56, 57, 58, 59, and 60.

NOTA.

(B. 21, fo. 541.) By act before Horatio Davis, notary, dated 10th April, 1837, Thomas Dixon sold to Horace C. Cammack the undivided half of the said five lots, Nos. 55, 56, 57, 58, and 60.

(B. 26, fo. 23.) By act before F. Grima, notary, dated 22d November, 1838, John Slidell and Horace C. Cammack sold unto Thomas Dixon the above-described six lots, Nos. 55, 56, 57, 58, 59, 60.

119 (B. 27, fo. 186.) By act before F. Grima, notary, dated 24th April, 1840, Thomas Dixon retroceded unto John Slidell the undivided half part of the said lots Nos. 55, 56, 57, 58, 59, 60.

The title by which H. C. Cammack became owner of the undivided half of lot No. 59 is not recorded.

The title by which the Union Bank of Louisiana became owner of the undivided half of the said lots Nos. 55, 56, 57, 58, 59, and 60 is not recorded.

(B. 44, fo. 32.) A lot of ground situate in the suburb St. Mary, designated by the No. 2 on a plan annexed to an act passed before A. Mazareau, notary, dated 9th June, 1836; said lot measures 22 feet 3 inches front on Delord street, between New Levee and Tchoupitoulas streets, by 58 feet 1 inch deep, between parallel lines, American measure.

Acquired from Mrs. Virginia Wilkinson Foster, wife of William Thomas Thompson, by act before F. Grima, notary, dated 11th May, 1842.

120 I, , register of conveyances, certify that from the records in my office it appears that the following-described properties stand recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the 1st of January, 1860, to the present date.

New Orleans, September 8th, 1863.

FELIX McCULLOCH,
Register.

Real estate in the name of John Slidell.

(B. 22, fo. 228.) By act before F. Grima, notary, dated 24th December, 1836, John Slidell, jointly with James Peter Freret, acquired 12 lots of ground, situate in the square bounded by Phillippa, Hevia, Barronne,

and Poydras streets, designated by Nos. 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, on a plan marked A, drawn by Joseph Pilié, dated 24th January, 1832, and annexed to an act before F. de Armas, notary, dated 10th March, 1832, which purchase was made from Thomas Banks.

121 (B. 28, fo. 51.) By act before the said F. Grima, notary, dated 30th January, 1840, the said John Slidell and James P. Freret have made a partition of the said twelve lots of ground, by which the said John Slidell became the sole owner of the said lots, Nos. 25, 26, 29, and 30, measuring, according to the said plan A, viz:

Nos. 25 and 26, each 26 feet 8 inches in front on Hevia street, 26 feet 8 inches 2 lines in the rear by 108 feet deep.

Nos. 29 and 30, each 27 feet front on Barronne street by 106 feet 11 inches 4 lines deep.

On the 6th of June, 1857, the said John Slidell has leased unto David H. Fowler, for a period of five years from the 15th June, 1858, the above-described four lots of ground, and on the 15th November, 1859, the said Slidell and Fowler have extended the said lease for a period of five years from the 15th June, 1863; which lease and extension were recorded on the 5th day of April, 1860.

I, , register of conveyances, certify that from the records
122 in my office it appears that the within-described property stands recorded in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the 1st January, 1860, than by the lease without mentioned.

FELIX McCULLOCH,
Register.

NEW ORLEANS, *September 8th*, 1863.

Real estate in the name of John Slidell.

(B. 51, fo. 521.) By act before O. H. Perry, notary, dated 8th May, 1850, John Slidell acquired from the New Orleans Canal and Banking Company, Samuel Kohn, and Laurent Millandon, the nineteen undivided twentieth parts of and in to all and singular the following-described squares and lots of ground, to wit:

1st. The square No. 10, bounded by Cortez, Gravier, St. John, and Julia streets, containing 23 lots, Nos. 1 to 23, according to a plan drawn by Louis Surgi, surveyor, dated 25th April, 1840, and deposited in the office of said notary.

123 2d. The square No. 12, bounded by Lopez, Conti, Salcedo, and Carondelet walk, or canal, containing six lots, Nos. 1 to 6.

3d. Twenty lots, Nos. 1 to 24, in the square No. 14, bounded by Salcedo, Jackson, Gayoso, and Canal streets, constituting the whole of said square with the exception of that fractional triangle lying at the corner of Salcedo and Jackson streets.

4th. The square No. 15, bounded by Salcedo, Custom-house, Gayoso, and Canal streets, containing 24 lots, Nos. 1 to 24.

5th. The square No. 16, bounded by Salcedo, Custom-house, Bienville, and Gayoso streets, containing 20 lots, Nos. 1 to 20.

6th. The square No. 29, bounded by Dupre, White, Jackson, and Canal streets, containing 24 lots, Nos. 1 to 24.

7th. Thirteen lots, Nos. 1 to 13, in square No. 44, bounded by Dorgenoy, Jackson, Broad, and Canal streets, said lots measuring, viz:

Nos. 1, 6, 7, 8, 9, 10, 11, 12, and 13, each 35 feet 6 inches 3 lines front on Broad street, by 110 feet deep, between parallel lines.

124 Nos. 2 and 3, each 30 feet front on Canal street, by 159 feet 10 inches and 3 lines deep.

No. 4 has 65 feet 8 inches and 7 lines front on Canal street, by 159 feet 10 inches 3 lines deep on the line of lot No. 3, and 169 feet 6 inches deep and 2 lines and $\frac{1}{2}$ deep on the line of No. 5.

No. 5 has 8 feet 3 lines on Jackson, by 159 feet 10 inches 3 lines on the side of No. 6, 7, 8, and 9, and 169 feet 6 inches $2\frac{1}{2}$ lines on the other line, and 71 feet 10 inches and 5 lines on the rear line, as per plan drawn by L. Surgi, surveyor, dated 31st December, 1849, and deposited in the office of said notary. Assessed: Broad street, 315 and 230.

Lots Nos. 1, 6, 7, 8, 9, 10, 11, 12, and 13, form together 315 feet front on Broad st.

(B. 54, fo. 611.) By act before C. N. Perry, notary, dated 10th May, 1851, John Slidell acquired from the New Orleans Canal and Banking Company, Samuel Kohn, and Laurent Millandon, the nineteen undivided twentieth parts belonging to the said vendors in and to the
125 square No. 21, bounded by Gayoso, Jackson, Duprez, and Canal streets, containing 24 lots, Nos. 1 to 24, according to the above-mentioned plan.

All the above-described squares and lots of ground form part of the back concession lying in the parish of that tract of land or plantation situate in the parish of Jefferson, generally known as Macarty's plantation, and belongs to the said vendors and vendee in the following several proportions, and by means of the several purchases, viz:

The undivided $\frac{1}{20}$ths parts thereof to the said N. O. Canal and Banking Company, by purchase from Mrs. Charles B'my Launsse, by act before G. B. Stringer, notary, dated 19th December, 1831.

The undivided $\frac{5}{20}$th parts thereof to the said S. Kohn by joint purchase with Bernard Marigny, from B'my Macarty, by act before L. T. Caire, notary, dated 13th April, 1831; and the undivided $\frac{4}{20}$ths parts to said L. Millandon, and the undivided $\frac{1}{20}$th parts to said John Slidell, by
126 joint purchase from B. Marigny, by act before L. T. Caire, notary, dated 22d September, 1831.

I, , register of conveyances, certify that from the records in my office it appears that the foregoing-described properties stands in the name of John Slidell, and that it does not appear from said records that he has alienated the same since the year 1860, up to the present date.

New Orleans, September 8th, 1863.

FELIX McCULLOCH,
Register.

True copy.
September 15, 1863.
(Signed)

K. LOEW,
Deputy Clerk.

Default.

District court of the United States of America for the eastern district of Louisiana, holding sessions in the city of New Orleans. February term, A. D. 1864.

NEW ORLEANS,
Monday, the 18th day of April, 1864.

127 Court met pursuant to adjournment. Present, honorable E. H. Durell, judge.

UNITED STATES
vs.
844 LOTS AND 10 SQUARES OF GROUND, PROPERTY of John Slidell. } No. 7686.

The delay allowed by law having expired, and no claim or defence having been filed, after due monition and proclamation, on motion of the district attorney, it is ordered that all persons interested in the property seized be pronounced in contumacy and default, and the libel adjudged and taken pro confesso, reserving, however, the rights of the intervenors herein.

128 *Decree of condemnation.*

District court of the United States of America for the eastern district of Louisiana, holding sessions in the city of New Orleans, February term, A. D. 1865.

NEW ORLEANS,
Saturday, the 18th day of March, 1865.

Court *made* pursuant to adjournment. Present, honorable E. H. Durell, judge.

UNITED STATES
vs.
844 LOTS AND 10 SQUARES OF GROUND, PROPERTY of John Slidell. } No. 7686.

The monition issued in this case having been heretofore returned, the usual proclamation having been made, the default of all persons duly entered, and the law and the evidence considered, it is thereupon, on motion of the district attorney, ordered, sentenced, and decreed by the court now here, and his honor the district judge, by virtue of the power and authority in him vested, doth hereby order, sentence, and decree, that the 844 lots and 10 squares of ground, with all the buildings and improvements thereon, property of John Slidell, and
129 fully described in the libel of information on file be, and the same are hereby, condemned as forfeited to the United States.

It is further ordered that the clerk of this court issued a writ of venditioni exponas to the marshal of the district, returnable on the 1st June next, and that, upon the return thereof, the proceeds be distributed according to law, the legal rights of the intervenors being reserved in the premises.

Judgment rendered March 18th, 1865.
Judgment signed March 24th, 1865.
(Signed) E. H. DURELL, *Judge.*

Venditioni exponas.

United States district court, eastern district of Louisiana.

The President of the United States of America to the marshal of the eastern district of Louisiana, or either of his deputies, greeting:

Whereas at a district court of the United States, holden at New Orleans, for and within said district, on the 18th day of March,
130 A. D. 1865, 844 lots and ten squares of ground, with all the build-

ings and improvements thereon, the property of John Slidell, and fully described in the libel on file, were, after proclamation and due proceedings, decreed forfeit, and ordered sold at public auction.

These are, therefore, to command you to sell to the highest bidder at public auction, at Merchants' Exchange, Royal street, within said district, on the 23rd day of May, 1865, at 12 o'clock m., the said 844 lots and 10 squares of ground, first giving thirty days' notice at least of the time and place of sale by advertising the same in the "True Delta," one of the newspapers printed at New Orleans, and by proclamation in the usual form on the day of sale. The money arising from the sale to be paid into the registry of the said court, to be disposed of as the law directs. And make due return hereof with your doings herein.

Witness the honorable Edward H. Durell, at New Orleans, this 27th day of March, A. D. 1865, and 89th year of the Independence of the United States of America.

[SEAL.] (Signed) W. S. BENEDICT,
D'y Clerk.

131 *Marshal's return on above writ.—Filed July 19th, 1865.*

Received, March 27th, 1865. In obedience to the writ of venditioni exponas, to which this return is annexed, the property was offered for sale after having been advertised full 30 days in the True Delta, one of the daily papers printed in the city of New Orleans; but there not having been bid two-thirds of the appraised value of all the property then offered, but only for a portion, I sold only a portion of the said property for cash, and withdrew the balance, which balance I again offered for sale at the same place and hour, after having again advertised the same for sale for ten days in the True Delta, a daily newspaper as aforesaid, all as per order of the judge of the honorable the district court of the U. S. for the eastern district of Louisiana, issued 29th February, 1865, at which offering I exposed the balance of said property for sale at one-half cash, and one-half at a credit of one year, in accordance with the above order. I then sold a portion only of said property, on the
132 terms set forth in the above-named order of court, viz, one-half cash, and one-half at a credit of one year; and the balance of the property, not receiving any bidders therefor, I again did advertise for sale in the True Delta for 10 days more, and after several different offerings on different days, each one having been duly advertised, and after complying with all the legal requirements, and also setting forth the terms of sale in each advertisement, as well as by the auctioneer at the day and hour of each offering for sale, the property named above was all sold, except a piece of ground lying on the batture, &c., and as appears from the certificate of Pilié and Depouilly, surveyors and architects, hereto annexed, and two lots restored by order of court to Myra Clark Gaines, and two lots on the corner of Baronne and Lafayette streets, and also the property on the corner of Philippa (near Dryades) and Lafayette streets, comprising the property of Mr. Davoren, deceased, and now restored to the widow of said Davoren, by order of court, and consent of the United States district attorney.

133 Also two lots fronting on Dryades street, immediately in the rear and adjoining the afore-mentioned property of Mr. Davoren; and two lots fronting on Hevia street, between Philippa and Baronne streets, all of which lots and improvements last mentioned were not sold, it appearing to the U. S. marshal and to the U. S. district attorney that said property was not lawfully seized of John Slidell's estate, but

the balance of the property was all sold on the following terms and to the following-named persons, viz :

		Cash.
2 lots, 5 & 6.	To Fritz Huppenbauer, in square bounded by St. Charles, Common, Camp, and Gravier and fronting on Common street	$13,500
2 lots, 3 & 4.	To Thomas Hale, in square bounded by Common, Gravier, St. Charles, & Camp, fronting St. Charles	16,900
2 lots, 20 & 21.	To T. B. Blanchard, in square bounded by Custom-house, Bienville, Old Levee, and Clinton, fronting Old Levee and Clinton	10,000

134		Notes.	Cash.
1 lot.	J. Brugère, Custom-house, N. E., between Chartres & Levee	2,525	2,525
1 lot, No. 5.	Citizens' Bank, fronting 22 feet on Royal street		5,000
2 lots, 5 & 7.	J. L. Davis, fronting on Josephine street	1,337 50	1,337 50
1 No. 7.	J. Dumpke, fronting on Josephine street	475	475
2 Nos, 8 & 9.	W. R. Fish, fronting on Camp street	8,000	8,000
Por. 69.	Mrs. Houghton, Rocheblave, Venus, and Turnpike	362 50	362 50
Por. 70.	Mrs. Houghton, Rocheblave, Venus, Dorgenois, & Venus,		
Sq. 76.	do. Dorgenois, Calliope, Broad & Euphrosine		
Sq. 84.	do. Sixth, Calliope, Fifth, & Euphrosine		
Por. 71.	W. M. Wetmore, Rocheblave, Calliope, Dorgenois, and Euphrosine		35
Do.	do. Lot No. 6, & part of lot No. 5, in portion 74, fronting on Clio		45
Por. 83.	do. Calliope, 6, & 5, and line of Lafayette		30
Do. 94.	do. 4th, Angl, Van Buren, and Turnpike road		67
Sq. 107.	do. St. John avenue, Aglaé, Violet, and Venus		55
Por. 95.	do. Van Buren, Aglaé, 3rd, and Turnpike		67
Do. 111.	do. Triangular, by Venus, Violet, & other property		22

135		Notes.	Cash.
	W. M. Wetmore, Mulberry, Aglaé, Turnpike, and property of Walden		107
Lots No. 10 to 33, and the rear part of lots 3 to 10, inclusive, and No. 34 of sq. 75.	P. Connor, Dorgenois, Broad, Clio, & Calliope streets	65	65
Sq. 77.	John Stack, Dorgenois, Euphrosine, Broad, and Venus	125	125
Do. 79.	E. Heath, Broad, Venus, 6th, and Turnpike	200	200
Do. 81.	W. Heath, Broad, Venus, 6th, Euphrosine	340	340
Port. 82.	do Calliope and Broad, 6th, & line sub. Lafayette		
Por. 89.	Joseph Keller, 5th, Euphrosine, & 4th streets, and on the line partly by Calliope, and partly line faub. Lafayette	90	90

Sq. 80.	W. M. Wetmore, Broad, Euphrosine, Venus, and Sixth			
Do. 85.	do.	6th & 5th, Euphrosine, Venus		
Do. 86.	do.	6th & 5th, Venus, & Turnpike		
	do.	5 & 4th, Venus, & Turnpike		
Do. 88.	do.	5 & 4th, Venus, & Euphrosine		
Do. 92.	do.	4th, Euphrosine, Venus, & Van Buren		
Do. 93.	do.	4th, Van Buren, Venus, & Aglaé	2,005	2,005
Do. 14.	do.	24 lots, Salcedo, Jackson, Gayoso, & Canal, except Triangle		
			Notes.	Cash.
Sq. 113.	W'm Wetmore, Lemon, Aglaé, Mulberry, & Turnpike			
Port. 106.	do.	St John avenue, Venus, Violet, & other property		
Port. 102.	do.	3rd, Aglaé, 2d, & Turnpike, Van Buren, Euphrosine		
do. 98.	do.	3d and Venus		
Do. 91.	T. H. Furnis, 4th, Euphrosine, Van Buren, and line faub. Lafayette		50	50
Sq. 96.	Geo. Shents, 3rd, Venus, Van Buren, and Aglaé			
Lots 55 & 56.	do.	55 front on South Market, and 56 on Delord	902	903
Port. 115.	do.	Aglaé, Mulberry, & prop. D. T. Walden		
Sq. 97.	S. McConnell, Venus, Van Buren, 3rd, & Aglaé			
16.	do.	Salcedo, Custom-house, Bienville, & Gayoso		
Port. 100.	do.	3rd, Euphrosine, Venus, & 2nd	1,112 50	1,112 50
Sq. 108.	do.	St. John av., Aglaé, Violet, & Turnpike		
Do. 112.	do.	Lopez, Conti, Salcedo, & Carondelet Walk		
Lots 57, 58.	E. Ichlen & Stall, 57 fronts on Delord, and 58 on South Market		887 50	887 50
Lot 60.	B. Laporte, front 24 feet on Levee		325	325
Batture lot.	Jno. Cooney, S'th, Market, Delord, Levee, & Tchoupitoulas		1,325	1,325
137			Notes.	Cash.
Lot No. 2.	Jotham Potter, front on Delord, between New Levee & Tchoupitoulas			400
4 lots, 25, 26, 29, 30.	J. M. Burchard, Philippa, & Hevia, Baronne, & Poydras		1,062 50	1,062 50
Sq. 10.	Hoyle & Chadwick, Cortez and Gravier, St. John, and Julia		175	175
Sq. 15.	S. W. Heins, Salcedo, Custom-house, Gayoso, & Canal		1,000	1,000
Sq. 29.	J. P. A. Mertz, Dupré, White, Jackson, and Canal			
13 lots in sq. 44.	J. M. Hoyle, Dorgenois, Jackson, Broad, & Canal		1,400	1,400
Sq. 21.	C. & J. H. Rhodes, Gayoso, Jackson, Dupré, and Canal		1,400	1,400
Por. 99.	Jno. Huth, 3rd, Van Buren, Euphrosine, & faub. Lafayette			37
Sq. 101.	M. A. Blanc, Aglaé, 2nd, St. John av., & Turnpike		155	155
Sq. 104.	do.	Aglaé, 2d, Venus, St. John av		

Do. 103.	H. Laurence, Aglaé, 2nd, St. John ave., & Turnpike	70	70
Por. 105.	J. P. Barrett, 2nd, Venus, St. John av., sub. Laf., and other property	60	60
Sq. 40.	S. H. Brown, Violett, Venois, Lemon, & Aglaé.		80
Por. 112.	C. Madden, Aglaé, Lemon, Mulberry, property of Walden, dec	32 50	32 50
Sq. 109.	Ch's Fuchs, Violet, Venus, Lemon, and Turnpike		100
		26,986	73,428

138 RECAPITULATION.

Cash	73,428
Notes	26,982
Total amount sales	$100,410

Marshal's return.

UNITED STATES OF AMERICA,
Eastern District of Louisiana:

NEW ORLEANS, *July 17th*, 1865.

Pursuant to this precept, I have caused the property within named to be offered for sale by public auction and to the highest bidder, at the Merchants' Exchange, on the day, hour, and place therein directed, having given 30 days' previous notice of the time, place, and manner of the sale in the True Delta, one of the newspapers printed in the city of *the* New Orleans, and by the crier on the day of sale, and at such sale purchasers were, as appears from the annexed statement, and reference is made to the certificates of mortgages hereto annexed, and also to the certificates of cancellation of the same, also to the surveyor's certificate hereto annexed as part of this return, whereby the gross sales amount to one hundred thousand and four hundred and ten dollars, which
139 I pay over to Charles Claiborne, esq., the clerk of the court aforesaid, to be distributed and disposed of as the court directs.

Attest: A. BAUDOUIN, *Dep. Marshal.*

Received from Cuthbert Bullitt, United States marshal, one hundred thousand four hundred and ten dollars, being, as he saith, the aforegoing sale, the monies to be disposed of as the court directs and for which I have signed duplicate receipts.

(Signed) CHARLES CLAIBORNE, *Clerk.*

NEW ORLEANS, *July 17th*, 1865.

Certificate of recorder of mortgages annexed to above marshal's return.

OFFICE OF MORTGAGES.

The undersigned, recorder of mortgages for the parish of Orleans, city of New Orleans, State of Louisiana, certifies that, in the records in his office, there are no other mortgages standing in the name of John Slidell, and recorded against the property described in the printed slips hereto annexed, than the following, to wit:

140 1°. (B. 27, fo. 69.) The one he and R. O. Pritchard, the former for one-third and the latter for two-thirds, granted in favor of the United States of America, then vendors, as per act before W. Christy, notary, the 29th January, 1834, on the two lots Nos. 20 and 21, forming the corner of Levee and Clinton streets, to secure $24,500, reduced by payment of $10,681.83.

(B. 55, fo. 55,) and inscribed the 11th of April, 1849.

2°. (B. 30, fo. 358.) The one he granted on the lot of ground on the northeast part of Custom-house street, bet. Chartres and Levee streets, in favor of Marie Mathilde Dolhonde, his wife, per act before T. Le Blanc, judge and ex-officio notary public of the parish of St. John the Baptiste, the 19th November, 1835, to secure payment of $6,000, being the amount of the dowry of his said wife, and of which he has taken charge.

3°. (B. 32, fo. 141.) The one he granted on the remaining third part of the lots Nos. 20 and 21, firstly referred to in favor of R. O. Pritchard, his vendor, per act before F. Grima, notary, 28th May, 1836, in the reversion he took up to $9,636.50 of the said mortgage firstly referred to.

4°. (B. 34, fo. 543.) The one he, together with James P. Freret, granted in favor of their , Thomas Banks, as per act before F. Grima, notary, on the 24th December, 1836, on the 12 lots of grounds in the square bounded by Philippa, Hevia, Baronne, and Poydras streets to
141 secure $50,000 and interest.

5°. (B. 36, fo. 28.) The one he granted in favor of Denis Trieur, mayer of this city, as per act before Felix de Armas, notary, on the 26th Jan., 1837, and bearing on lots Nos. 20 & 21, herein firstly mentioned, to secure $19,665.30, capital and interest, on each of said lots.

5°. (B. 40, fo. 557.) The one he, together with Henry R. Denis, granted in favor of the Bank of Louisiana, by act before W. Christy, notary, the 4th March, 1839, on the lot 4, having 20.10 front on St. Charles street, to secure payment of $11,000.

6°. (B. 40, fo. 557.) The one he granted by act of same date and year, in favor of said bank, on the lot No. 3, having likewise 20.10 on St. Charles street, to secure $11,000.

7°. (B. 40, fo. 609.) The one he granted on the said lot No. 3 in favor of R. O. Pritchard, per act before F. Grima, notary, the 9th March, 1839, to secure $5,500, with eventual interest at 10 %.

8°. (B. 40, fo. 610.) The one he granted, together with said Denis, on the said lot No. 4 in favor of said Pritchard, acting as syndic of his own creditors in this and the proceeding act, before said Grima, on the 9th March, 1839, to secure $6,100, reduced by payment to $3,050, with eventual interest at 10 %.

9°. (B. 45, fo. 372.) The one he granted on the lot of ground No. 5, on Royal, between Conti and Bienville st's, per act before Cha's
142 Boudousquié, notary, the 10th June, 1842, in favor of the Citizens' Bank of Louisiana, to secure, 1°, the sum of $15,000, being the amount of 150 shares in the capital stock of said bank; 2°, the loan raised, or to be raised, to form the capital stock of said banks; and 3°, all eventual interest, at 10 % per annum.

10°. (B. 46, fo. 396.) The one he granted in favor of the said Citizens' Bank, on lot No. 22, in square bounded by Philippa, Baronne, and Poydras streets, as per act before Charles Boudousquié, notary, the 24th October, 1842, to secure, 1°, the sum of $2,100, being the amount of 21 shares in the capital stock in said bank; 2°, the loan raised, or to be raised, to form the capital of said bank; 3°, and the eventual interest at 10 % per annum.

(B. 55, fo. 56.) The mortgage fourthly related.

(B. 36, fo. 28) is re-insc'ibed under date of the 11th April, 1839.

11°. (B. 57, fo. 116.) The one he granted in favor of the N. O. Banking and Canal Company, his vendors, as per act before O. N. Perry, notary,

the 8th May, 1850, on squares Nos. 10, 12, 14, 15, 16, 29, and the 13 lots in square 44, to secure $4,094.88, interest and costs.

12°. (B. 66, fo. 454.) The one he granted on the lot No. 5, fronting on Royal street, between Conti and Bienville streets, in favor of the
143 Citizens' Bank of Louisiana, as per act before A. Boudousquié, notary, on the 17th May, 1855, to secure the payment of, 1°, $2,100, amount of 21 shares of said bank, now reduced to 19 shares; 2d, for all loans which he may hereafter obtained on said shares, with eventual interest at 10 % per annum; and 3°, the sum of $42, amount of contribution bond, with 8 % eventual interest.

13°. (B. 73, fo. 755.) The one he granted by act before A. Boudousquié, notary, the 7th of July, 1859, in favor of the aforesaid bank, to secure $4,617, amount of a stock-note, and bearing on the said lot No. 5, fronting on Royal street, together with 10 % eventual interest.

14°. (B. 78, fo. 259.) The one he granted by Thomas Allen Clarke, acting as his agent, in favor of the aforesaid bank, by act before A. Boudousquié, notary, the 2nd May, 1862, on the lots Nos. 3, 4, 5, and 6, front on St. Charles street; the lots Nos. 3 and 4, and the lots Nos. 5 and 6, fronting on Common street, to secure to said bank the payment of one hundred thousand francs, the amount of a letter of credit furnished by said bank to said Slidell, wife, and Marcuard and Co., of Paris.

15°. (B. 78, fo. 358.) The one he granted on lot of ground on Custom-house street, between Chartres and Levee streets; a lot of ground on Royal street; the two lots of ground on Levee street, between Custom-house and Bienville streets; the two lots on Camp, between Gravier and Natchez streets; two lots on Common, between St. Charles and
144 Camp streets; two lots on St. Charles, between Gravier and Com mon streets, on the portion of ground having 48 feet on New Levee by 110 feet on Market street; two lots on New Levee, between Louisa and Delord streets; two lots on Baronne, between Poydras and Hevia st's; two lots on Hevia, between Baronne and Philippa; a lot having 21 feet on Foucher street; a lot having 40 feet on Poydras street, between Philip and Circus streets; a lot making the corner of Jersey and Josephine streets, 180 by 120; and squares 740, 581, 608, 631, 632, 114, 115, and 118, and a portion of ground of 92 acres, divided in squares and lots, bearing Nos. 69, 70, 71, 74, 75, 76, 77, 79 to 115, inclusive, the whole forming 46 squares and 738 lots, comprised between Le Chemin, Coquille, Dorgenois, and the lines of Lafayette and of Carrollton, in favor of Frederick Adolphe Marcuard, per act under private signature, dated at Paris the 4th June, and legalized by the Compte Mejan, French consul in this city, the 14th July, 1862, and recorded the same day, to secure payment of $250,000 francs, interest, etc., etc.

(B. 78, fo. 387,) and re-inscribed under date of the 29th July, 1862.

(B. 78, fo. 387,) and re-inscribed under date of the 9th August, 1862.

16°. (B. P. 1, fo. 284.) The privilege in favor of F. Marquez, amounting to $704.09, for shelling in front of property on Canal, Broad and Dorgenois, dated the 3rd December, 1857, and recorded 23 January, 1858.

145 17°. (B. P. 1°, fo. 380.) The privilege in favor of C. Connell, amounting to $895.93, for square block paving in front of his property on South Market street, between New Levee and Tchoupitoulas streets, dated 7th May, 1861, and recorded 22nd July, 1861.

18°. (B. L. M. 1, f. 374.) The lease he granted in favor of Charles Ferdon of the property forming the corner of Jersey and Josephine streets, for ten years, as per act before L. Hermann, notary, dated 10th December, 1847.

19°. (B. L. M. 4, f. 3.) The one he granted in favor of Francois Xavier Masson and Bernard Hofkeschide and Gabriel Rumpler, on the 3 lots in faubourg Lafayette, designated by the Nos. 5, 6, and 7, as per act before J. R. Borgstede, notary, on the 27th November, 1852, to secure, the 1°, $16,356; and the 2°, $16,321.03, with 10% interest.

20°. (B. L. P. 1, fo. 2.) The privilege in favor of the same city for $10 on lot No. 12, dated March 16th, 1844.

22°. (B. D. 4°, f. 116.) The general one in favor of Marie Mathilde Deslonde, his wife, resulting from their marriage-contract, and executed before F. Le Blanc, judge, and ex-officio notary public for the parish of St. John the Baptiste, dated 19th November, 1835, and recorded 25th November, 1835.

23°. (B. J. 9., f. 197.) The general one in favor of the city of New Orleans, resulting from a judgment rendered by the 2d justice court on the 15th of August, 1856, for $8.22, interest and costs.

146 24°. (B. J. 5, fo. 571.) The privilege in favor of the New Orleans Draining Company, lying on the property situate in its respective limits.

25°. (B. P. 1, f. 370.) The privilege in favor of the first Draining Company lying on the property situate in its respective limits.

26°. (B. P. 1, f. 391.) The privilege in favor of the first draining district lying on the property situate in its respective limits.

New Orleans, May 18th, 1865.

(Signed) J. W. MADDEN,
Recorder.

[5-c. int.-revenue stamp, cancelled.]

Printed slips annexed to above certificate.

UNITED STATES
vs.
842 LOTS AND 10 SQUARES OF GROUND, THE property of John Slidell. } No. 7686.

In the United States district court, eastern district of Louisiana.

By virtue of a writ of venditioni exponas, to me directed in the above-entitled suit, I will proceed to sell to the highest bidder, on Tuesday, the 23rd day of May, 1865, at 12 o'clock m., at Merchants and Auc-
147 tioneers' Exchange, No. 18 Royal street, between Canal and Custom-house streets, the following-described property, viz:

Two lots of ground situate in the faubourg St. Mary, designated by the Nos. 5 & 6 on a plan drawn by the city surveyor, & deposited in the office of G. R. Stringer, notary, on the 3rd March, 1830. Said lots measure each 22 feet 6 inches 2 lines front on Common street, between St. Charles and Camp streets, and 22 feet 6 inches 1 line in the rear. Said lots No. 5 having in depth 100 feet 6 inches 6 lines, on the line which separates it from lot No. 4, and 110 feet 1½ lines on the line which separates it from lot No. 6, and said lot No. 6 has in depth 110 feet 1 inch and ½ lines, on the line of lot No. 5; and 110 feet 9 inches 3 lines on the line of lots Nos. 7 and 11, on said plan.

Acquired from Horace C. Cammack and Thomas Dixon by act before W'm Christy, notary, dated 21st February, 1833.

A lot of ground situate in the faubourg St. Mary, designated by the No. 3 on a plan by L. J. Pilié & Springbelt, 23d December, 1838, and deposited in the office of F. Grima, notary, as plan No. 58, measuring,

American measure, 20 feet 10 inches front on St. Charles street, between Common and Gravier, by 60 feet 8 inches deep on the line of lot No. 2, 59 feet 10 inches on the line of lot No. 4, and 20 feet 5¼ inches in the rear, with the use of the yard in common to it and other lots.

148 Acquired from Richard Owen Pritchard, syndic of his creditors, by act before F. Grima, notary, dated 9th March, 1839.

The lot of ground No. 4, on the aforesaid plan, measuring, in American measure, 20 feet 10 inches front on St. Charles street, between Common & Gravier streets, by 59 feet on the line towards Gravier streets, separating from the property of Ambrose Lanfear, and 59 feet 10 inches on the line of lot No. 3, and 20 feet 7 inches in width in the rear.

Acquired as follows: By Henry R. Denis and John Slidell, jointly, from Ritchard O. Pritchard, syndic of his creditors, by act dated 9th March, 1839, before F. Grima, notary; and by act before A. Mazureau, notary, dated 18th March, 1846, the said H. R. Denis conveyed his individual half of said lots No. 4 unto the said John Slidell.

Two lots of ground, Nos. 20 and 21, on a plan drawn by Jos. Pilié, city surveyor, dated 31st December, 1833, annexed to an act of even date, in the office of W'm Christy, notary. Said lots measure each 24 feet 2 inches 3 lines front on Levee street, and 24 feet 5 inches 2 lines front on Clinton street; lot No. 20 measures 87 feet 3 inches 6 lines on the lower side, running through from one to the other of said streets, and 90 feet 10 inches and 3 lines on the upper side, dividing it from said lot

149 No. 21, running through from one to the other of said streets, No. 21 measures 94 feet 5 inches on the upper side line, and also running through from one of said streets to the other, all American measure.

Acquired from the United States of America by act before the said William Christy, notary, dated 29th January, 1834, as follows, viz:

The undivided two-thirds by John Slidell and the undivided one-third by Richard O. Pritchard; and by act before Felix Grima, notary, dated 28th May, 1836, the said R. O. Pritchard sold unto the said John Slidell his undivided one-third part of the said lots Nos. 20 and 21.

A lot of ground on the northeast part of Custom-house street, between Chartres and Levee streets, measuring 29 feet 1 inch and upwards front on Custom-house street, by 100 feet deep, bounded on one side by the property of J. R. Wolf and on the other side by that of William Rouzan.

Acquired by John Slidell the undivided two-thirds, and by H. Elkins the undivided one-third, from J. D. Beers, by act before William Christy, notary, dated 4th June, 1831, and by act before said William Christy, dated 27th February, 1832, the said H. Elkins sold to the said John Slidell his undivided one-third part of the above-described property.

150 One lot of ground designated by the No. 5 on a plan drawn by Joseph Pilie, surveyor, dated 4th April, 1834, annexed to sale, before B. W. Miller, notary, dated 23rd April, 1834; said lot measures 22 feet on Royal street by 95 feet 4 inches 4 lines deep between parallel lines, American measure.

Acquired from Mathew Morgan, Richard O. Pritchard, and James W. Zacharie.

Three lots of ground situate in the fauhourg Lafayette, and designated by the Nos. 5, and 6, and 7, in square No. 10 on the original plan of said suburb, drawn by Jos. Pilié, city surveyor, on the 2nd of March, 1824, and deposited in the office of C. Pollock, notary, and measuring, viz:

Lot No. 5, 59 feet 9 inches front on Josephine street by 120 feet deep.

Lot No. 6, 60 feet front on Josephine street by 120 feet deep, bounded above by lot No. 5, and below by lot No. 7, 50 feet front on Josephine street by 120 feet deep, and front on Jersey street. All French measure.

Acquired from Richard M. Carter by act before H. B. Cenas, notary, dated 5th February, 1835.

Two lots of ground situate in the square bounded by Camp, Magazine, Gravier, and Natchez streets, designated by the Nos. 8 and 9, on a plan drawn by C. F. Wimpel, on the 21st January, 1835, and measure, viz:

151 Lot No. 8 measures 21 feet 2 inches front on Camp streets by 70 feet 11 inches deep on the side-line next to lot No. 7, and 70 feet 10 inches deep on the side-line dividing it from lot No. 9; and lot No. 9 measures 21 feet 8 inches front on Camp street and 70 feet 9 inches deep on the side-line of lot No. 10. All American measure.

Acquired from Charles A. Jacobs and Samuel Elkins by act before W'm Christy, notary, dated 4th February, 1835.

A portion of ground No. 69, forming part of the square bounded by Rocheblave, Venus, and Dorgenois streets and the Turnpike road, said portion divided into 10 lots, Nos. 1 to 10.

A portion of ground No. 70, forming part of square bounded by Rocheblave, Euphrosine, Dorgenois, and Venus streets, said portion divided into 12 lots, Nos. 1 to 12.

A portion of ground No. 76, having the form of a triangle, forming part of the square bounded by Rocheblave, Calliope, Dorgenois, and Euphrosine streets, said portion measuring 93 feet 9 inches 5 lines front on Euphrosine street, 202 feet 11 inches 2 lines front on Dorgenois street, and 223 feet 6 inches 6 lines in the rear.

A portion of ground composed of lot No. 6 and part of lot No. 5, in the parcel of land No. 74. No. 6 being of a triangular form, and having 223 feet 7 inches on Clio street, 234 feet 4 inches and 6 lines on the line of the faubourg Lafayette, and 71 feet 2 inches 7 lines on the other

152 side-line; and that part of lot No. 5 which adjoins lot No. 6, measures 32 feet front on Clio street, and 71 feet 2 inches 7 lines deep, the line closing in the rear; said parcel of ground being of a triangular form.

The entire lots Nos. 11 to 33, inclusive, and the rear parts of lots numbered from 3 to 10, inclusive, and the No. 34 of square No. 75, bounded by Dorgenois, Broad, Clio, and Calliope streets, this portion of the square purchased by Slidell being divided by a line which separates the same from the front part of the other lots in the same square puchased by Emile Lasere.

The square No. 76, bounded by Dorgenois, Euphrosine, Broad, and Venus street', divided into 34 lots, No. 1 to 34.

The square No. 79, bounded by Broad, Venus, and Sixth streets and the Turnpike road, divided into 34 lots, numbered 1 to 34.

The square No. 80, bounded by Broad, Euphrosine, Venus, and Sixth streets, containing 38 lots, Nos. 1 to 38.

The square No. 81, bounded by Broad, Calliope, Sixth, and Euphrosine streets, containing 38 lots, Nos. 1 to 38.

A portion of ground No. 82, bounded by Calliope, Broad, and Sixth streets, and the line of the suburb Lafayette, containing 23 lots, Nos. 1 to 23.

153 A portion of ground, No. 38, bounded by Calliope, Sixth, and Fifth streets, and the line of the suburb Lafayette, containing 5 lots, Nos. 1 to 5.

The square No. 84, bounded by Sixth and Calliope, Fifth and Euphrosine streets, containing 22 lots, No. 1 to 22.

The square No. 85, bounded by Sixth, Fifth, and Venus streets, containing 22 lots, No. 1 to 22.

The square No. 86, bounded by Sixth, Venus, Fifth streets, and the Turnpike road, containing 22 lots, Nos. 1 to 22.

The square No. 87, bounded by Fifth, Venus, Fourth streets, and the Turnpike road, containing 22 lots, Nos. 1 to 22.

The square No. 88, bounded by Fifth, Euphrosine, Fourth, and Venus streets, containing 22 lots, No. 1 to 22.

The square No. 89, bounded by Fifth, Euphrosine, and Fourth streets on three sides; on the fourth side or line, which is irregular, partly by Calliope street, and partly by the line of faubourg Lafayette, which square contains 22 lots, No. 1 to 22.

A triangular portion of ground designated by the No. 90, bounded by Calliope street, Fifth street, and the line of the faubourg Lafayette.

154 A portion of ground, No. 91, bounded by Fourth, Euphrosine, and Van Buren streets, and the line of the faubourg Lafayette, containing 15 lots, No. 1 to 15.

The square No. 92, bounded by Fourth, Euphrosine, Van Buren streets, and the line of faubourg Lafayette, containing 22 lots, No. 1 to 22.

The square No. 93, bounded by Fourth, Venus, Van Buren, and Aglaé streets, containing 22 lots, No. 1 to 22.

A portion of ground, No. 94, bounded by Fourth, Aglaé, and Van Buren streets, and the Turnpike road, containing two lots, No. 1 to 2.

A portion of ground bounded by Van Buren, Aglaé, and Third streets, and the Turnpike road, containing two lots, No. 1 and 2.

The square 96, bounded by Venus, Third, and Aglaé streets, containing 20 lots, Nos. 1 to 20.

The square No. 97, bounded by Van Buren, Euphrosine, Third, and Venus streets, containing 20 lots, Nos. 1 to 20.

A portion of ground, No. 98, bounded by Van Buren, Euphrosine, Third, and Venus streets, containing 9 lots, No. 1 to 9.

155 A portion of ground, No. 99, bounded by Van Buren, Euphrosine, and Third streets, and the line of faubourg Lafayette.

The square No. 180, bounded by Third, Euphrosine, Venus, and Second streets, containing 24 lots, Nos. 1 to 24.

The square No. 101, bounded by Third, Venus, Second, and Aglaé streets, containing 24 lots, Nos. 1 to 24.

A portion of ground, No. 102, bounded by Third, Aglaé, Second streets, and the Turnpike road, containing 10 lots, Nos. 1 to 10.

A portion of ground, No. 103, bounded by Second and Aglaé streets, St. John avenue, and the Turnpike road, containing 10 lots, Nos. 1 to 10.

The square No. 104, bounded by Aglaé, Second, and Venus streets, and St. John avenue, containing 24 lots, Nos. 1 to 24.

A portion of ground, No. 105, bounded by Second and Venus streets, St. John avenue, and Euphrosine street, partly by the line of faubourg Lafayette, and partly by the line dividing it from other property, said portion being divided into 20 lots, Nos. 1 to 20.

A portion of ground, No. 106, bounded by St. John avenue, Venus, and Violet streets, and the line adjoining other property, containing 8 lots, Nos. 1 to 8.

156 The square of ground, No. 107, bounded by St. John avenue, Aglaé, Violet, and Venus streets, containing 2 lots, Nos. 1 & 2.

The square No. 108, bounded by St. John avenue, Aglaé, and Violet streets, and the Turnpike road, containing 15 lots, Nos. 1 to 15.

A portion of ground, No. 109, bounded by Violet, Venus, Lemon streets, and the Turnpike road, containing 18 lots, Nos. 1 to 18.

The square No. 110, bounded by Violet, Venus, Lemon, and Aglaé streets, containing 22 lots, Nos. 1 to 22.

A portion of ground, of a triangular form, No. 111, bounded by Venus and Violet streets, and the adjoining property.

A portion of ground, No. 112, bounded by Aglaé, Lemon, Mulberry, and partly by the line of property belonging to D. Walden, and partly by other property adjoining said portions, contains 14 lots, Nos. 1 to 14.

The square of ground, No. 113, bounded by Lemon, Aglaé, and Mulberry streets, and the Turnpike road, containing 18 lots, Nos. 1 to 18.

A portion of ground, No. 114, bounded by Mulberry and Aglaé streets, the Turnpike road, and the property of D. F. Walden, containing 4 lots, Nos. 1 to 4.

157 A small portion of ground, of a triangular form, designated by the No. 115, bounded by Aglaé and Mulberry streets and the property of D. T. Walden, the whole according to a plan drawn by J. Pilié, dated 20th July, 1840, and deposited in the office of A. Mazureau, notary, in this city, and were acquired from John M. Hall, by act before said Mazureau, dated 8th August, 1843.

A piece of ground lying on the batture, in front of the suburb St. Mary, designated by the No. 9 on a plan of said lot, and others made by Jos. Pilié, city surveyor, dated 12th January, 1823, annexed to an act of deposit made by W. and J. Montgomery and others before G. R. Stringer, notary, dated 7th February, 1826, having 40 feet on the south side of the continuation of Delord street, which extends from Tchoupitoulas to New Levee street, 42 feet 4 inches in the rear, where it is bounded by the dividing-line of the suburb St. Mary and Delord, measuring on the eastern side, where it it bounded by lot No. 8, 137 feet, and on the next side, on which it is bounded by lot No. 10, 133 feet 9 inches; acquired from Samuel Kohn by act before H. K. Gordon, notary, dated 23d January, 1820.

Five lots of ground situate on the batture, in front of the suburb St. Mary, designated by the Nos. 55, 56, 57, 58, and 60, on an original plan made by Joseph Pilié in the month of May, 1820, in the office of C. Pollock, notary, said lots having, English measure, viz, Nos. 55 and 58, each 21 feet 8 inches on South Market street, by 58 feet 1

158 inch deep, Nos. 56 and 57, each 21 feet 8 inches front on Delord street, by 58 feet 1 inch deep, and No. 60, 24 feet front on the line of Levee street, and extending in depth 65 feet 10 inches on the upper line, the latteral lines running parallel, and having 23 feet 2 lines width in the rear, where it is bounded by lot No. 58; acquired by act before C. Pollock, notary, dated 8th April, 1866.

A lot of ground situate on the batture, in front of the suburb St. Mary, in the square bounded by South Market, Delord, Levee, and Tchoupitoulas streets, designated by the No. 59 on a plan made by Joseph Pilié in May, 1826, and deposited in the office of Pollock, notary, on the 3d of June, 1828, and having, English measure, 24 feet 2 inches front on Levee street, 59 feet 5 inches deep in the upper side, where it is bounded by the line dividing it from the lot No. 60, and 23 feet 4 inches width in the rear, where it is bounded by the dividing-line of the lot No. 58; acquired by act before C. Pollock, notary, dated 28th May, 1836.

A lot of ground situated in the suburb St. Mary, designated by
159 the No. 2 on a plan annexed to an act passed before A. Mazureau, notary, dated June 9th, 1836. Said lot measures 22 feet 3 inches front on Delord street, between New Levee and Tchoupitoulas streets, by 58 feet 1 inch deep between parallel lines, American measure; acquired by act before F. Grima, notary, dated 11th May, 1842.

Twelve lots of ground situated in the square bounded by Philippa, Hevia, Baronne, and Poydras streets, designated by the Nos. 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, on a plan marked A, drawn by Jos. Pilié, dated 24th February, 1832, and annexed to an act before F. d'Armas, notary, dated 10th March, 1832.

Square No. 10, bounded by Cortez, Gravier, St. John, and Julia streets, containing 23 lots, Nos. 1 to 23, according to a plan drawn by Louis Surgi, surveyor, dated 25th April, 1849, and deposited in the office of O. N Perry, notary, dated 8th May, 1850.

The square No. 12, bounded by Lopez, Cortez, Salcedo streets, and Carondelet walk or canal, containing 6 lots, Nos. 1 to 6.

The square No. 14, containing 24 lots, Nos. 1 to 24, bounded by Salcedo, Jackson, Gayoso, and Canal streets, constituting the whole of said square, with the exception of that fractional triangle lying at the
160 corner of Salcedo and Jackson streets.

The square No. 15, bounded by Salcedo, Custom-house, Gayoso, and Canal streets, containing 24 lots, Nos. 1 to 24.

The square No. 16, bounded by Salcedo Custom-house, Bienville, and Gayoso streets, containing 20 lots, Nos. 1 to 20.

The square No. 20, bounded by Dupre, White, Jackson, and Canal streets, containing 24 lots, Nos. 1 to 24.

Thirteen lots, Nos. 1 to 13, in square No. 44, bounded by Dorgenois, Jackson, Broad, and Canal streets, said lots measuring, viz: Nos. 1, 6, 7, 8, 9, 10, 11, 12, and 13, each 25 feet 6 inches 3 lines front on Broad street by 110 feet deep, between parallel lines, Nos. 2 and 3 each 30 feet front on Canal street by 159 feet 10 inches 3 lines deep.

No. 4 has 65 feet 8 inches 7 lines front on Canal street by 159 feet 10 inches 3 lines deep on the line of lot No. 3, and 109 feet 6 inches 2½ lines deep on the line of lot No. 5.

No. 5 has 8 feet 3 lines on Jackson street by 159 feet 10 inches 3 lines on the side of Nos. 6, 7, 8, and 9, and 189 feet 6 inches 2½ lines on the other line and 71 feet 10 inches 5 lines on the rear line, as per plan drawn by L. Surgi, surveyor, dated 31st December, 1849, and deposited in the office of O. N. Perry, notary.

161 Square No 21, bounded by Gayoso, Jackson, Dupré, and Canal streets, containing 24 lots, as per above-mentioned plan, together with the improvements, buildings, rights, privileges, appurtenances, and other hereditaments to the same belonging, or in any wise appertaining, and all the right, title, and interest therein.

TERMS AND CONDITIONS OF SALE.

The lot No. 5, with all the buildings and improvements thereon, situate in the second district of this city, on Royal street, between Conti and Bienville streets, and designated by the Nos. 5, on a plan by J. Pilié, surveyor, dated 4th April, 1834, annexed to an act passed before Branch W. Miller, late notary, on 23 April, 1834. Said lots measure 22 feet front on Royal street by 95 feet 4 inches and 4 lines in depth, between parallel lines, together with 160 shares of the mortgage-stock of Citizens' Bank of Louisiana, bearing on said lot, being the remnant of 171 shares

reduced, to be sold in block to pay and satisfy the claim of said bank on the following terms and conditions, viz:

The purchaser to assume the position of all the obligations of a
162 stockholder, for the amount of said shares of stock, and to furnish as part of the price of adjudication, his stock-note to the said bank for the sum of $3,762.00, payable on the 1st of June, 1865, renewable according to the charter of said bank, said note to be duly identified with the marshal's deed of sale, and to assume in said deed the mortgage granted by said Slidell to said bank in two acts of mortgage, one before Charles Boudousquié, notary, on the 10th of June, 1843, and the before Ad. Boudousquié, notary, on the 17th of May, 1865, and that he pay the balance of the price in cash.

And it is further ordered, that said bank recover from the proceeds of the sale, with privilege and mortgage, the sum of $342, amount of two instalments of the stock-loan, now overdue, with interest at 10 per cent. on the sum of $4,164, from 1st of June, 1863, till payment of said sum of $342, and the further sum of $146 for premium of insurance, paid with interest at 8 per cent. thereon, from 21st June, 1863, till paid; and the purchaser further to pay interest in advance at 6½ per cent. per an-
163 num, on the stock-note given as aforesaid, from the day of payment of said two instalments to the 1st of June, 1865.

Balance of property cash in United States Treasury notes.

United States marshal's office, New Orleans, 5th day of May, 1865.

CUTHBERT BULLITT,
United States Marshal.

Certificate annexed to above return on venditioni exponas.

NEW ORLEANS, 19*th of May*, 1865.

This is to certify that the piece of ground seized from John Slidell and described in the notice of sale as follows, to wit:

"A piece of ground lying on the batture in front of the suburb St. Mary, designated by the No. 9, on a plan of said lot, and others made by Jos. Pilié, city surveyor, dated 12th January, 1823, annexed to an act of deposit made by W. and J. Montgomery and others, before G. R. Stringer, notary, dated 7th February, 1826, having 40 feet on the south side of the continuation of Delord street, which extends from Tchoupitoulas to New Levee street, 42 feet 4 inches in the rear, where it is bounded by the dividing-line of the suburbs of St. Mary and De-
164 lord, measuring on the eastern side, where it is bounded by lot No. 8, 137 feet, and on the next side, on which it is bounded by the lot No. 10, 133 feet 9 inches; acquired from Samuel Kohn, by act before H. K. Gordon, notary, dated 23 January, 1828," does not belong to John Slidell, the same having been taken for the opening of Pearl street, about 30 years ago.

(Signed) PILIÉ AND DEPOUILLY,
Civil Engineers & Architects.

Decree of distribution.—Extract from the minutes of 21*st May*, 1866.

UNITED STATES
vs.
844 LOTS AND 10 SQUARES OF GROUND, THE property of John Slidell. } No. 7686.

The United States marshal having returned into court the writ of ven-

ditioni exponas, showing that the whole proceeds of the property
165 sold in this case, are $100,410 00
$100,410 00

Of which case, there is cash $73,478
And at one year 26,932

And it appearing that the following taxes are due on said property, to wit:

U. S. direct tax			325 51	325 51
State tax, district	1861	528 95		
" " "	'62	425		
" " "	'63	425		
" " "	'64	425		
				$1,803 95
State tax, 2nd "	1861	178 15		
" " " "	'62	178 15		
" " " "	'63	173 35		
" " " "	'64	173 35		
				703
State tax, 4th district	1861	22 75		
" " " "	'62	22 75		
" " " "	'63	22 75		
" " " "	'64	22 75		
				91
City tax, int. & comm	1861	4,426 55		
" " " " "	'62	2,726 85		
" " " " "	'63	2,527 25		
				9,680 65
City tax, int. & comm	1864			3,453 59
Clerk C. C., No. 15231			2 75	
" " " " 16417			2 75	
Sheriff do.			1 75	
" "			1 75	
Clerk 2nd court, 21744			2 75	
Sheriff "			1 75	
				13 50
Drainage-tax, 2d district				2,268 92
166 Drainage-tax, 1st district				846 08
That the taxed costs allowed on 25th July, 1865, amount to				8,303 79

Since which the following additional costs were incurred, viz:

Clerk	41 05
Marshal	15
Making a total costs and taxes of	27,546 04
Ordered, adjudged, and decreed that after deducting the whole from the gross proceeds, and paying over to the Citizens' Bank of Louisiana, the sum of	5,000
Being the proceeds of the property upon which rests their privilege for 160 shares of stock, and satisfying the paving privilege of Nicholson % for	615
The balance of	67,248 96

Composed of cash, $40,316.96, and at one year, 26,932, be kept in the registry, subbject to the further orders of the court, pending the appeals taken by F. A. Marcuard, the Citizens' Bank of Louisiana, and

the liquidators of the Merchants' Bank of New Orleans, intervenors herein.

167 DISTRICT OF LOUISIANA, *ss:*

I, Charles Claiborne, clerk of the district court of the United States for the district of Louisiana, and being the lawful custodian of all and singular the records of all the proceedings at any time had and taken in the district court of the United States in and for the late eastern district of Louisiana, and having the same in my possession, do certify that the foregoing 126 pages contain a full, true, and complete transcript and copy of all the proceedings had and taken, as well as of all pleadings and documents filed in the suit of The United States of America vs. Eight Hundred and Forty-four Lots and ten Squares of Ground, the property of John Slidell, and No. 7686 of the docket of the late district court of the United States of the eastern district of Louisiana, with the exceptions of the following interventions, and all proceedings had thereon, to wit:

Intervention of Jno. Arrowsmith.
" Citizen' Bank of Louisiana.
" F. A. Marcuard.
" Nicholson & Co.
" State of Louisiana.

168 Intervention of Myra Clark Gaines.
" Fritz Happenbaur.
" Mrs. Davern.
" Merchants' Bank.
" Liquidators of Merchants' Bank.
" Mrs. Orten.
" S. Swoop.

And with the further exception of all testimony on file in the case of the order of court, postponing sale, and of all proceedings relating to appeals by the intervenors, and the writ of error sued out by defendant on 17th March, 1870, upon which *do* decision has as yet been rendered, as appears by the records of said court, now lawfully remaining in possession as clerk of the district court of the United States for the district of Louisiana.

As witness my hand and the seal of the said district court of the United States for the district of Louisiana, hereunto subscribed and affixed this 30th day of December, A. D. 1871, at New Orleans.

[SEAL.] CHARLES CLAIBORNE,
Clerk U. S. District Court, Dist. of Louisiana.

169 DISTRICT OF LOUISIANA, *ss:*

I, Edward H. Durell, judge of and holding the district court of the United States for the district of Louisiana, do hereby certify that Charles Claiborne, whose name is subscribed to the foregoing certificate and allegations, is, *due* was at the date hereof, the lawful clerk of the district court of the United States for the district of Louisiana; that said signature is in the genuine and proper handwriting of said Claiborne, and that the impress of the seal of said court attached to said certificate and allegation is the impression of the actual and lawful seal of said court; that said Charles Claiborne, by virtue of his said office, is the lawful custodian and keeper of all and singular the records of all and all manner of proceedings at any time had or taken in the late district court of the United States for the eastern district of

Louisiana, and has the same in his possession; that said attestation and certificate is in due form and by the proper officer, and is entitled to full faith and credit in every court within the United States.

170 As witness my hand and seal hereunto subscribed and affixed this 30th day of December, A. D. 1871, at New Orleans.

[SEAL.] E. H. DURELL, *Judge.*

DISTRICT OF LOUISIANA, *ss:*

I, Charles Claiborne, clerk of the district court of the United States for the district of Louisiana, do hereby certify that honorable E. H. Durell, whose name is subscribed to the foregoing certificate, is the presiding judge of the said district court of the United States for the district of Louisiana, and is duly commissioned and qualified as such.

As witness my hand and the seal of said court hereunto subscribed and affixed this 30th day of December, A. D. 1871, at New Orleans.

[SEAL.] CHARLES CLAIBORNE,
Clerk U. S. District Court, District of Louisiana.

171 It is agreed by and between the undersigned counsel for the respective parties in the suit of Alfred Slidell, Marie Rosine Slidell, Marie Marguerite Caroline Slidell, wife of Baron Emile d'Erlanger, vs. Frederick Happenbauer, in the fourth district court for the parish of Orleans, State of Louisiana, and No. 29791 of the docket of that court, that the above and foregoing transcript of the record in the case of The United States vs. 844 Lots and 10 Squares of Ground, the property of John Slidell, in the district court of the United States for the eastern district of Louisiana shall, for all purposes in that suit, have the same force and effect as if it were a full, true, and complete transcript of the entire record in said case in said United States court, the part omitted in no way or manner whatever affecting the rights of plaintiffs or defendants in the said suit in said fourth district court, and is left out by agreement to save the expense of uselessly encumbering the record with useless and irrelevant matter.

Nothing is named further than to the foregoing as a complete
172 record and as an examined copy. Objection can be made as of a full record, but not otherwise.

CLARKE, BAYNE & RENSHAW,
For Plaintiff.
L. MADISON DAY,
Defendant's Attorney.

Reasons for judgment.

This, a petitory action, brought by the plaintiffs to recover certain real estate belonging to them as the heirs of John Slidell.

The defendant denies their ownership, and pleads that he has purchased the said property at the United States marshal's sale thereof, made on the 23rd May, 1865, by order of the United States district court, in this city, under a decree rendered in February, and signed in March of the same year.

The suit is based on the assumption that a life-estate could only be confiscated under the joint resolution passed by Congress (Statutes at Large, 1862, p. 627) in explanation of the act of Congress of July 17th, 1862.

And the defense rests on the distinction which the defendant makes between rebels' property and enemies' property. In other words, he

contends that the property of John Slidell was confiscated and
173 sold as enemies' property, and that therefore it was not limited to a mere life-estate.

The defense appears to me to be untenable.

The Supreme Court of the United States, in the case of Bigelow vs. Forrest, has very correctly decided, in my humble judgment, that the act of July, 1862, to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes, and the joint resolutions of the same date, explanatory of it, are to be construed together.

Under the two thus construed all that could be sold by virtue of a decree of condemnation and order of sale under the act, was a right to the property seized, terminating with the life of the person for whose offence it was seized.

The question is not whether Congress could have treated the citizens of the Southern States as enemies of war, and what might have been done in the way of confiscating their property as enemies' property, but what Congress did actually and the resolution explanatory thereof of the 17th July, 1862.

It would be absurd to contend under the war-power Congress had not the right to order the seizure and sale of the fee-simple of all enemies' real estate. But no such power has been exercised.

174 The act of 1862 shows on its face that it was to suppress the rebellion and confiscate rebels' property. The citizens of the Southern States were treated as rebels, and not as enemies of war, except as to their lives. Although the rebellion has been crushed more than seven years ago, they are yet treated as rebels by the privation of their political rights.

The distinction which the defendant seeks to lay down, although existing in theory, does not exist in fact. A rebel may at the same time be an enemy and be dealt with as such in time of war. But the Government has not made that distinction. On the contrary, the joint resolution explanatory of the act of Congress declares that not only punishment, but all proceedings shall not be so construed as to work a forfeiture of the real estate of the offender beyond his natural life.

The Supreme Court of the United States has construed the language of this resolution as controlling the meaning of the act and limiting its operation to the life of the offender.

This interpretation is in strict conformity with Article 3, section 3, of the Constitution of the United States, and is the only rational one.

But it strikes me, also, that the real estate in dispute herein
175 could not be considered as enemies' property for another reason, even if Congress had thought proper to make the distinction, which is not the fact, as I have shown.

It is an historical fact that the late war between the States of this Union ended on the 9th of April, 1865, by the surrender of the army under Gen. Lee. How can it then be said that Slidell's real estate was sold as enemies' property? Peace was restored prior to the 23rd of May, 1865, which is the day on which the adjudication to the defendant took place.

The right to treat Slidell as an enemy was at an end. He was then treated as a rebel, who was punished after the cessation of hostilities.

The conclusion is irresistable; his property was sold as rebels' property, and consequently conveyed no other title to the defendant but a mere life-estate, a title terminating with John Slidell's life.

For these reasons let there be judgment for plaintiffs as prayed for.

Clarke, Bayne & Renshaw for plaintiff; L. Madison Day for defendant.

176 *Judgment.*

This case came on this day for trial by consent.

Clarke, Bayne and Renshaw, esq., of counsel for defendant.

When, after hearing pleadings, evidence, and counsel, the case was summitted to the court; and, for the reasons assigned in the written opinion of the court in file in case No. 29791 of the docket of this court, and the law and the evidence being in favor of plaintiffs' demands, it is ordered, adjudged, and decreed that there be judgment in favor of plaintiffs, Alfred Slidell, Marie Rosine Slidell, wife of Le viconte Henride St. Roman, Marie Marguerite Caroline Slidell, wife of Baron Louis de Pfyffer Hendigg, and Marguerite Mathilde Slidell, wife of Baron Emile d'Erlanger, and against defendant, Edward Heath, recognizing the said plaintiffs as owners and proprietors of the following-described property, to wit: A certain square or parcel of ground, designated by the number seventy-nine, (79,) bounded by Broad, Venus, and Sixth streets and Turnpike (or Shell) road; which square is divided into thirty-four lots, numbered from one to thirty-four, together
177 with all the rights, ways, and privileges on the above-described property and all appurtenances thereunto belonging or in any wise appertaining, without exception or reservation, as per plan drawn by Joseph Pilié, surveyor of the second municipality, on the 20th of July, 1840, and deposited in the office of Adolphe Mazareau, notary public in this city; and that said plaintiffs have and recover the same.

And it is further ordered, adjudged, and decreed that defendant pay all costs of this suit.

Judgment rendered November 29th, 1872.

Judgment signed December 10th, 1872.

(Signed) J. M. BONNER, *Judge.*

Motion of appeal—Filed December 17th, 1873.

Fourth district court for the parish of Orleans.

HEIRS OF JOHN SLIDELL *vs.* EDWARD HEATH. } No. 30247.

On motion of L. Madison Day, attorney for defendant in the above stated and numbered case, and on suggesting to the court that
178 that there is error to his prejudice in the final judgment recorded in said case in favor of plaintiffs and against defendant for the property described in plaintiffs' petition on the 29th day of November, 1872, and signed on the 10th day of December, 1872; and on further suggesting and showing to the court that said property is vacant and unimproved, and that the same produces no revenue—

It is ordered, that a suspensive appeal be allowed to defendant in said cause, returnable before the supreme court of the State of Louisiana, at New Orleans, on the first Monday of January, 1873, on his giving bond, according to law, in the sum of two hundred and fifty dollars.

Appeal-bond.

Know all men by these presents that we, Edward Heath as principal, and M. Lara as surety, are held and firmly bound unto Edward De Blois, clerk of the fourth district court for the parish of Orleans, his
179 successors in office, and all parties in interest, their executors, administrators, and assigns, in the sum of two hundred and fifty dollars, for the payment whereof we bind ourselves, our heirs, executors, and administrators firmly by these presents, sealed with our seals and dated in the city of New Orleans on this 17th day of December, in the year of our Lord one thousand eight hundred and seventy-two.

Whereas the above-bounded Edward Heath has this day appealed suspensively, by motion, from a final judgment rendered against him, the said Edward Heath, in the suit of the heirs of John Slidell vs. Edward Heath, and No. 30247 in the fourth district court for the parish of Orleans, on the 29th day of November, 1872, and signed on the 10th day of December, 1872.

Now, the condition of the obligation is such that the above-bound Edward Heath shall prosecute his said appeal, and shall satisfy whatever judgment may be rendered against him, or that the same shall be satisfied by the proceeds of the sale of his estate, real or personal, if he be cast in the appeal; otherwise, that the said M. Lara, surety,
180 shall be liable in his place.

E. HEATH. [L. S.]
M. LARA. [L. S.]

Signed, sealed, and delivered in the presence of—
L. MADISON DAY.

Certificate.

I, Edward De Blois, clerk of the fourth district court for the parish of Orleans, hereby certify that the above and foregoing one hundred and seventy-five (175) pages do contain a full, correct, and complete transcript of the record, including all proceedings had, documents filed, testimony and evidence adduced on the trial of the cause wherein the heirs of John Slidell are plaintiffs and Edward Heath is defendant, which said cause was instituted in our said court on the twenty-second day of January, in the year of our Lord eighteen hundred and seventy-two, under the No. 30247.

In testimony whereof I hereunto set my hand and affix the seal of said court at New Orleans, on the twenty-fourt' day of December, A. D. 1872, and in the ninety-seventh year of the Independence of the United States.

(Signed) H. F. LYND,
D'y Clerk.

181 Supreme court of the State of Louisiana.

Case submitted.—Minutes.

MONDAY, *December 23d*, 1872.

The court was duly opened pursuant to adjournment. Present, their honors John T. Ludeling, chief justice, and James G. Taliaferro, Rufus K. Howell, W. G. Wyly, associate justices; absent, John H. Kennard, associate justice.

HEIRS OF JOHN SLIDELL
vs.
EDWARD HEATH. } No. 4472.

On motion of Clarke, Bayne & Renshaw, of counsel for plaintiffs & appellees herein, under the written consent of L. Madison Day, esq., of counsel for defendant & appellant—

182 It is ordered by this court that this case be submitted to the court, the record to be filed and presented to the court on Tuesday, the 24th instant.

Agreement.

Supreme court of Louisiana.

HEIRS OF JOHN SLIDELL
vs.
EDWARD HEATH. } No. 4472.

It is hereby agreed by and between the undersigned counsel for the respective parties in the above-entitled case that the same may be submitted by either party, and is hereby submitted upo*muem* furnished and filed.

(Signed) CLARKE, BAYNE & RENSHAW,
Atty's for Pl'ff & Appellee.

(Signed) L. MADISON DAY,
Def't's Att'y.

Filed Dec'r 23, 1872.
(Signed) T. McC. HYMAN,
Deputy Clerk.

Opinion of the court.

Supreme court of the State of Louisiana.

183 HEIRS OF JOHN SLIDELL
vs.
EDWARD HEATH. } No. 4472.

Appeal from the fourth district court, parish of Orleans.

HOWELL, J.

This case presents the same questions as in that of Micon et als. vs. Benjamin et al. a ; and for the reasons therein given ; it is ordered that the judgment be affirmed.

Filed January 13, 1873.
(Signed) M. P. JULIAN, *Deputy Clerk.*

Decree.—Minutes.

MONDAY, *January* 13, 1873.

The court was duly opened pursuant to adjournment. Present, their honors John T. Ludeling, chief justice; and James G. Taliaferro, Rufus K. Howell, W. G. Wyly, John H. Kennard, associate justices.

184 His honor Justice Howell pronounced the judgment and decree of the court in the following case :

HEIRS OF JOHN SLIDELL
vs.
EDWARD HEATH. } No. 4472.

On appeal from the fourth district court for the parish of Orleans.

It is ordered that the judgment be affirmed.

Writ of error.

UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the judges of the supreme court of the State of Louisiana, and holding sessions in New Orleans, Louisiana, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court, before
185 you or some of you, being the highest court of law or equity of the said State in which a decision could be had in the suit between Alfred Slidell, Marie Rosine Slidell, Marie Marguerite Caroline Slidell, and Mrs. Marguerite Mathilde Slidell, wife of Baron Emile d'Erlanger, by her said husband, duly authorized and empowered, and assisted, are plaintiffs, and Edward Heath, defendant, wherein was drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision was against their validity; or wherein was drawn in question the validity of a statute of, or an authority exercised under said State, on the ground of their being repugnant to the Constitution, treaties or laws of the United States, and the decision was in favor of such their validity, or wherein was drawn in question the construction of a clause of the Constitution, or of a treaty or statute of, or commis-
186 sion held under, the United States, and the decision was against the title, right, privilege, or exemption specially set up or claimed under such clause of the said Constitution, treaty, statute, or commission a manifest error hath happened, to the great damage of the said Edward Heath, as by his complaint appears:

We, being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the second Monday of October next, in the said Supreme Court to be then and there held, that the re-
187 cord and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein, to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the honorable Salmon P. Chase, Chief Justice of the said Supreme Court of the United States, this 31st day of January, in the year of our Lord one thousand eight hundred and seventy-three.

[SEAL.] (Signed) F. A. WOOLFLEY,
Clerk of the United States Circuit Court for the District of Louisiana.

Allowed.
(Signed) JNO. T. LUDELING,
Chief Justice S. C. of L'a.

(Indorsed:) Edward Heath, plaintiff in error, versus Alfred Slidell et al., d'f'ts in error. Writ of error.

Copy of a writ of error lodged in the clerk's office of the supreme court of the State of Louisiana, at New Orleans, in pursuance of the statute in such cases made and provided, this 31st day of January, one thousand eight hundred and seventy-three.

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(Signed) L. MADISON DAY,
Attorney of Plaintiff in Error.

Filed Jan'y 31st, 1873.

(Signed) T. McC. HYMAN, *Deputy Clerk.*

Bond.

EDWARD HEATH, PL'FF IN ERROR,
versus
ALFRED SLIDELL ET AL., DEF'TS IN ERROR.

Know all men by these presents that we, Edward Heath and M. Lara, both of the city of New Orleans and State of Louisiana, are held and firmly bound unto Alfred Slidell, Marie Rosine Slidell, Marie Marguerite Caroline Slidell, and Mrs. Marguerite Slidell, wife of Baron Emile d'Erlanger, in the full and just sum of five hundred dollars, to

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be paid to the said Alfred Slidell, Marie Rosine Slidell, Marie Marguerite Caroline Slidell, and Mrs. Marguerite Mathilde Slidell, (wife of Baron Emile d'Erlanger,) their certain attorney or attorneys, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, severally by these presents, sealed with our seals, and dated this day of January, in the year of our Lord one thousand eight hundred and seventy-three.

Whereas lately, at a term of the supreme court of the State of Louisiana, at New Orleans, in a suit depending in said court between Alfred Slidell, Marie Rosine Slidell, Marie Marguerite Caroline Slidell, and Mrs. Marguerite Mathilda Slidell, (wife of Baron Emile d'Erlanger,) and Edward Heath, appellant, a final judgment was rendered in favor of said appellees and against said Edward Heath, appellant, affirm-

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ing the judgment of the lower court in said case; and the said Edward Heath having obtained a writ of error to the supreme court of Louisiana, and filed a copy thereof in the clerk's office of the said supreme court to reverse the judgment in the aforesaid suit, and a citation directed to the said Alfred Slidell, Marie Rosine Slidell, Marie Marguerite Caroline Slidell, and Mrs. Marguerite Mathilde Slidell, (wife of Baron Emile d'Erlanger,) citing and admonishing them to be and appear at a Supreme Court of the United States, to be holden at Washington the second Monday of October next:

Now, the condition of the above obligation is such, that if the said Edward Heath shall prosecute his said writ of error to effect, and answer all damages and costs if he fail to make his plea good, then the

the above obligation to be void; else to remain in full virtue and force.

191 Signed, sealed, and delivered in presence of—

(Signed) EDWARD HEATH, [SEAL.]
By L. MADISON DAY, *Att'y.*

(Signed) M. LARA. [SEAL.]

Approved.

(Signed) JOHN T. LUDELING,
Chief Justice S. C. of Louisiana.

Filed January 31st, 1873.

(Signed) T. McC. HYMAN,
Deputy Clerk.

Citation.

EDWARD HEATH, PL'FF IN ERROR,
versus
ALFRED SLIDELL ET AL., DEF'TS IN ERROR.

The United States of America, greeting, to Alfred Slidell, Marie Rosine Slidell, Marie Marguerite Caroline Slidell, and Mrs. Marguerite Mathilda Slidell, (wife of Baron Emile d'Erlanger:)

You are hereby cited and admonished to be and appear at a Su-
192 preme Court of the United States, to be holden at Washington on the second Monday of October next, pursuant to a writ of error filed in the clerk's office of the supreme court of Louisiana, at New Orleans, wherein Edward Heath is plaintiff in error and you are defendants in error, to show cause, if any there be, why the judgment rendered against said plaintiff in error, as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable John T. Ludeling, chief justice of the supreme court of Louisiana, this 31st day of January, in the year of our Lord one thousand eight hundred and seventy-three.

(Signed) JNO. T. LUDELING,
Chief Justice S. C. of L'a.

Service accepted Jan'y 31st, 1873.

(Signed) CLARKE, BAYNE & RENSHAW,
Att'ys for Def'ts in Error.

Filed February 3d, 1873.

(Signed) T. McC. HYMAN,
Deputy Clerk..

193 UNITED STATES OF AMERICA:

The President of the United States to the honorable the judges of the supreme court of the State of Louisiana, and holding sessions in New Orleans, Louisiana, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court, before you, or some of you, being the highest court of law or equity of said State, in which a decision could be had in the suit between Alfred Slidell, Marie

Rosine Slidell, Marie Margaret Caroline Slidell, & Mrs. Marguerite Mathilde Slidell, wife of Baron Emile d'Erlanger, by her said husband, duly authorized and empowered and assisted, are plaintiffs, and Edward Heath, defendant, wherein was drawn in question the validity of a treaty or statute of or an authority exercised under the United States, and the decision was against their validity, or wherein was drawn in question the validity of a statute of or an authority exercised under said State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision was in favor of such their validity; or wherein was drawn in question the construction of a clause of the Constitution, or of a treaty or statute of, or commission held under, the United States, and the decision was against the title, right, privilege, or exemption specially set up or claimed under such clause of the said Constitution, treaty, statute, or commission, a manifest error hath happened, to the great damage of the said Edward Heath, as by his complaint appears:

We, being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the second Monday of October next, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States, should be done.

Witness the honorable Salmon P. Chase, Chief Justice of the said Supreme Court of the United States, this 31st day of January, in the year of our Lord one thousand eight hundred and seventy-three.

[SEAL.] F. A. WOOLFLEY,
Clerk of the United States Circuit Court for the District of Louisiana.

Allowed.

JNO. T. LUDELING,
Chief Justice S. C. of L'a.

(Indorsed.) No. . Edward Heath, plaintiff in error, versus Alfred Slidell et al., def'ts in error. Writ of error.

194 The United States of America, greeting: To Alfred Slidell, Marie Rosine Slidell, Marie Marguerite Caroline Slidell, and Mrs. Marguerite Mathilde Slidell, wife of Baron Emile d'Erlanger:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington on the second Monday of October next, pursuant to a writ of error filed in the clerk's office of the supreme court of Louisiana, at New Orleans, wherein Edward Heath is plaintiff in error and you are defendants in error, to show cause, if any there be, why the judgment rendered against said plaintiff in error, as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

195 Witness the honorable John T. Ludeling, chief justice of the supreme court of Louisiana, this 31st day of January, in the year of our Lord one thousand eight hundred and seventy-three.

JNO. T. LUDELING,
Chief Justice S. C. of L'a.

Service accepted Jan'y 31st, 1873.

CLARKE, BAYNE & RENSHAW,
Att'ys for Pl'ffs in Error.

(Indorsed:) Edward Heath, pl'ff in error, vs. Alfred Slidell et al., def'ts in error. Citation. Filed Feb'y 3, 1873. T. McC. Hyman, d'y clerk.

Clerk's certificate.

196 UNITED STATES OF AMERICA:

Supreme court of the State of Louisiana.

I, John Miller Howell, clerk of the supreme court of the State of Louisiana, holding sessions at the city of New Orleans, do hereby certify that the foregoing one hundred and ninety-two (192) pages contain a full, true, and complete copy of the transcript of the proceedings had in the fourth district court for the parish of Orleans, in a certain suit, wherein the heirs of John Slidell, to wit, Alfred Slidell, Marie Rosine Slidell, Marie Marguerite Caroline Slidell, and Mrs. Marguerite Mathilda Slidell, wife of Baron Emile d'Erlanger, were plaintiffs, and Edward Heath was defendant, and also of all the proceedings had in this supreme court on the appeal taken by said Edward Heath, which appeal is now on the files thereof, under No. 4472.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at the city of New Orleans, this twenty-sixth day of February, A. D. 1873, and in the 97th year of the Independence of the United States of America.

[SEAL.] JNO. M. HOWELL, *Clerk.*

(Indorsement on cover:) No. 532. Edward Heath, plaintiff in error, vs. Alfred Slidell et al., heirs of John Slidell, dec'd. Louisiana sup. court. Filed 13th October, 1873.

REC. 532—5

Supreme Court of the United States.

EDWARD HEATH, Plaintiff in Error,

VERSUS

ALFRED SLIDELL ET ALS., Defendants in Error.

No. 532.

BRIEF ON BEHALF OF DEFENDANTS IN ERROR.

CLARK & HOFELINE, BOOK PRINTERS, 9 BANK PLACE NEAR GRAVIER.

Supreme Court of United States.

EDWARD HEATH, Plaintiff in Error,

VERSUS

ALFRED SLIDELL ET ALS., Defendants in Error.

No. 532.

BRIEF ON BEHALF OF DEFENDANTS IN ERROR.

STATEMENT.

This is a writ of Error to the Supreme Court of Louisiana.

The defendants in error instituted in the District Court of New Orleans a suit to recover certain real property in that city in possession of the plaintiff in error. The title of the defendants in error is indisputable, unless divested by the confiscation proceedings against their father, the deceased John Slidell. The plaintiff in error sets up title as derived from a Marshal's sale under the decree in those proceedings. The District and Supreme Court of Louisiana entered judgment in favor of Slidell's heirs, and from the decree of the latter Court the present writ is prosecuted.

ARGUMENT AND CITATION OF AUTHORITIES.

Plaintiff in error contends that he obtained a fee simple to the property purchased by him.

The questions have been decided in this Court in the case of Bigelow vs. Forest, 9 Wallace, 339, in which it was held that the act of July 17th, 1862, and the resolution of Congress of the same date, explanatory of it are to be construed together. Under the two thus construed, all that could be sold by virtue of a decree of condemnation and order of sale under the act was a right to the property seized, terminating with the life of the person for whose offence it had been seized. The fact that such person owned the estate in fee simple, and that the libel was against *all* the right, title, interest and estate of such person, and that the sale and Marshal's deed professed to convey as much, does not change the result.

That case was fully considered after elaborate argument and the question cannot be regarded as an open one. As in the case of Goodtitle vs. Kibbe, 9 Howard, 478. this Court will not again review that which has been decided upon the same state of facts and upon the same acts of Congress. But we quote the language of the Court:

"The same question upon the same act of Congress and "patent was brought before this Court in the case of Pol- "lards vs. Hagan, at January term, 1845, reported in 3 "Howard, 212. That case was fully and deliberately "considered as will appear by the report, and the Court "there decided that the act of Congress and patent con- "veyed no title. The decision of the Supreme Court of "Alabama, from which this case has been brought by "writ of error, conforms to the opinion of this Court in

" the case of Pollards vs. Hagan; and it must be a very " strong case indeed, and one where mistake and error " had been evidently committed to justify this Court, " after the lapse of five years, in reversing its own decis- " ion; thereby destroying rights of property which may " have been purchased and paid for in the meantime upon " the faith and confidence reposed in the judgment of this " Court."

In this case, as in that, the Supreme Court of the State has conformed to the opinion of this Court. Four years have elapsed since that opinion was rendered, and upon its judgment no doubt numerous transfers of property have been made, upon due consideration.

Plaintiff in error contends that this case of Bigelow vs. Forest has been overruled by Miller vs. United States, 11 Wallace, 238, and Tyler vs. Defrees, ib. 331. Certainly there has been no express overruling by these cases. The questions involved were not the same and no inferential overruling exists. The principles of all these cases can stand together in harmony.

The constitutionality of the act of July 17, 1862, and the concurrent resolution of same date, was not assailed, nor the jurisdiction of the court of confiscation contested in Bigelow's case, but both were assumed. So here and now we make no attack upon either.

As in Brown vs. United States, 9 Cranch, 110, it was determined that the condition of war did not give rise to the right of confiscating enemies' property on land. Congress which possessed alone the power of determining what shall be subject to seizure and condemnation, saw

fit to restrict this, as in the act of 17th July, 1862, and the resolution of same date, to the life estate of an offender against its provisions.

Plaintiff in error is particularly unfortunate in alluding to the history of the act and resolution as supporting his pretensions that the resolution had reference only to the first portion of the act. that relative to the punishment of treason. Mr. Lincoln, in the veto message he had prepared to send to the House of Representatives, and which was arrested by the passage of the resolution, which was communicated to the House with his concurrence in the act and resolution as to be construed together, after reviewing the various sections of the act, says: "That to which I chiefly object pervades most part of the act, but more distinctly appears in the first, second, *seventh* and *eighth* sections. It is the sum of those provisions which results in the divesting of title *forever*." [The italics are ours.] "For the causes of treason and the ingredients of treason, not amounting to the full crime, it declares forfeiture extending beyond the lives of the guilty parties." The resolution removed his objection and he approved the act.

This history is referred to by the court in Bigelow's case.

The counsel for plaintiff in error seeks to avoid this historical argument by reference to the expressions of members of Congress. This species of reference as influencing the judgment of the court in interpreting statutes is discountenanced by this Court in Aldridge vs. Williams, 3 Howard, 24: "In expounding this law the judgment of the Court cannot in any degree be influenced by the construction placed upon it by individual members of

Congress in the debate which took place on its passage. nor by the motives or reasons assigned by them for supporting or opposing amendments that were offered. The law as it passed is the will of the majority of both houses, and the only mode in which that will is spoken is in the act itself, and we must gather their intention from the language there used, comparing it, when any ambiguity exists, with the laws upon the same subject, and looking, if necessary to the history of the times in which it was passed."

The labors of the Court would be overwhelming if it adopted any other course. It would be a novel expedient to ask the Court to review the debate for an understanding of the law which issued out of it.

But the plaintiff in error relies upon the use of the word *offender* in the resolution in the most restricted sense as applicable only to the crimes mentioned in the 1st, 2d and 3d sections of the act, regarding those acts of the persons mentioned in the 5th and 6th sections as free from offence against the United States. We do not understand this word either as used in the resolution or in its ordinary signification as thus restricted.

The word is used in connection with others which point its meaning as applicable to all persons who stand in opposition to the provisions of the act, who do that which is regarded as offensive to the United States. set up or maintain a government within the United States or aid that government, and though, they, in so doing, by the magnitude of their proceedings become enemies, are not the less rebels or offenders. Every one of the char-

acteristics mentioned in these sections, is applicable alone to rebels or offenders.

The ordinary signification of the word *offence* is "to strike against; to assault or assail; to hurt or wound the feelings; to displease; to injure, to do wrong or injustice." Richardson Dic. verbo Offend et als.

In the strict legal sense it is not narrowed to crime, but embraces misdemeanors. 1 Chit. Prac. 14.

But to give this restriction contended for, would be to erase as meaningless, other words of the resolution, "nor shall any punishment or *proceedings* under this act be construed as to work a forfeiture of the real estate beyond natural life." All the proceedings have the object to work either punishment or forfeiture; but only those under the 5th, 6th and 7th, have the object to work a forfeiture. The resolution as strictly construed then, would be really designed to restrict the operation to these sections, except under the use of the word punishment, it was designed to prevent a sale of a fee to obtain payment of a fine, which is a punishment.

The fact that the proceedings are to be *in rem*, furnishes our opponent occasion for extended observations. The conforming of the proceedings "as nearly as may be to proceedings in admiralty or revenue cases," is urged as giving to these proceedings, irrespective of other provisions of the act and resolution, all the effects and consequences that flow from sales under strictly admiralty process.

The reasons which apply to such strict proceedings, do not apply in this case. *Cessante ratione cessat et ipsa lex.*

Under prize and revenue proceedings, the thing seized

is regarded as the offender, and all who have any interest in it, are regarded as effected thereby. Besides, vessels and personal property, in order to fulfill their mission, must be disentangled of incumbrance in the markets of the world. In support of commerce, the nations recognize the sale in admiralty as complete. Besides, there is always an agent present who represents the interest affected. No such reasons apply in the case of real estate which is stationary and subject to formal written titles, and under none of the rules of commerce or international law: *lex rei sitæ*, controls it.

Proceedings *in rem* are as various as the changing disposition of the Legislature. They are designed as in this case to supply the appearance of the owner who cannot be reached by process.

Attachments are generally in rem, to compel appearance or secure payment after judgment, yet it would never be contended that an attachment of real estate could cut off any rights than those of the defendant in attachment.

The proceedings under the confiscation laws, are not declared to have the effect of proceedings in admiralty, but only that the form of such proceedings as convenient, are adopted instead of specially describing the forms to be pursued in detail.

It would seem that the introducer of the original act framed it with the sections 5 and 6, (without the 7th and 8th sections) under which the forfeiture would be incurred immediately upon the obnoxious act being performed mentioned in 5th section, and sixty days after proclama-

tion in the 6th; and the seizure by the President would give the power of sale, which sale would be good against the offender; and all required of the vendee under such a sale when prosecuted by one within the class, was to plead in bar of him, and to prove that he was one of the persons described in the section. But it must be conceded that the effect of these sections, would operate alone upon that class of persons, and that if the property seized and sold was the property of one not within that class, his claim could not be resisted. But it seems that the original views of the introducer were modified, so as to require judicial proceedings to effectuate a sale, as provided in 7th and 8th sections. We respectfully contend, that that sale would have no more effect than the sale under the 5th and 6th sections, if the 7th and 8th sections had not been embraced in the act.

This view is confirmed by reference to the English law upon this subject, even anterior to those mollifying statutes that abated the rigor of the law existing during the life of the Pretender.

Even under the attainder, which worked corruption of blood, no other estate than that of the attainted and that derived through him by right of inheritance was forfeited; all other estates in the land, remainder and reversionary, were saved.

Comyn's Dig., verbo Forfeiture for Crime.

Suppose, therefore, that the proceedings *in rem* had been required instead of the act of attainder, its effect would be no otherwise than to determine that the attainted was rightfully so, and that the consequences of attaint would result only as we have stated.

The defendants in error ask for judgment in their favor.

THOS. ALLEN CLARKE.

Of Counsel.